

205328

May 2, 2002

VIA FEDERAL EXPRESS

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

DID# 0101938003

Freeborn & Peters



**Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 395X);
The Burlington Northern and Santa Fe Railway Company Abandonment
between between Columbus, Kansas and Carthage, Missouri**

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Dear Secretary Williams:

Enclosed for filing in the referenced docket are the original and ten copies of The Burlington Northern and Santa Fe Railway Company's Notice of Exemption, and a check for \$2,700.00, covering the filing fee.

Please acknowledge receipt of this material by date stamping the enclosed copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

The environmental and historic reports have been forwarded to the responsible agencies and copies have been directed to the Section of Environmental Analysis. The Notice of Exemption includes a certificate of notice upon various interested state and federal authorities (the U. S. Department of the Interior – National Park Service, Recreation and Conservation Assistance Program; the U. S. Department of the Interior – National Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the Kansas Corporation Commission; the Missouri Public Utilities Commission; the Kansas Department of Transportation; the Missouri Department of Transportation and the Chief of Forest Service, U. S. Department of Agriculture).

Sincerely,

Brian Nettles

/bn
Enclosures

ENTERED
Office of the Secretary

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Part of
Public Record

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SURFACE
TRANSPORTATION BOARD SURFACE
TRANSPORTATION BOARD

Chicago

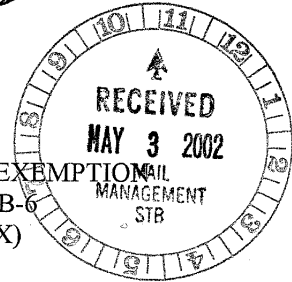
Springfield

205328
BEFORE THE

SURFACE TRANSPORTATION BOARD

Abandonment of a line of Railroad
Between BNSF M.P. 343.55 in
Columbus, Kansas and M.P. 315.30
in Carthage, Missouri

NOTICE OF EXEMPTION
Docket No. AB-6
(Sub-No. 395X)



TO THE SURFACE TRANSPORTATION BOARD:

The Burlington Northern and Santa Fe Railway Company (BNSF) hereby notifies the Board that it intends to abandon its line of railroad between BNSF M.P. 343.55 in Columbus, Kansas and M.P. 315.30 in Carthage, Missouri, a total distance of 28.25 miles, pursuant to the Board's Exemption of Out of Service Rail Lines, 49 C.F.R. § 1152.50 and in support of the Notice, respectfully provides the following information:

I. Proposed consummation date for the abandonment.

June 24, 2002

II. Certification required in 49 C.F.R. § 1152.50(b)

The attached Certification of Michael Smith certifies that no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two years. The attached Verification of Richard A. Batie certifies that no local traffic has moved over this line for at least two (2) years and any overhead traffic on the line can be rerouted over other lines.

III. Information required by C.F.R. § 1152.22(a)(1-4), (7), (8) and (e)(4).

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SURFACE
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(a) General

- (1) Exact name of Applicant.

The Burlington Northern and Santa Fe Railway
Company

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) Relief sought.

BNSF seeks an exemption from Surface Transportation Board approval authorizing the abandonment and discontinuance of service of the Columbus, Kansas to Carthage, Missouri line specified above.

- (4) Detailed map of the subject line.

See Exhibit A.

- (5) Name, title and address of representative of applicant to whom correspondence should be sent.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr., Suite 3000
Chicago, Illinois 60606-6677

- (6) List of all United State Postal Service ZIP Codes that the line traverses.

The Columbus, Kansas to Carthage, Missouri lines traverse United States Postal Service Zip codes 66725, 66728, 64834, 64835 and 64836.

- (7) Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

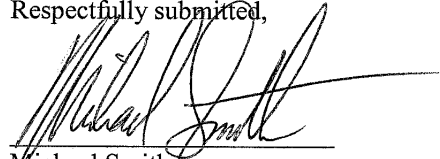
The right of way may be suitable for use for other public purposes such as a trail. On part of the properties involved, title considerations may affect the conveyance of the land for use other than railroad purposes. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. Level of protection.

The interest of railroad employees will be protected by the conditions imposed in Oregon Short Line RR Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979)

V. Certification that the notice requirements of §§ 1152.50(d)(1) and 1105.11 have been met. attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Dated: May 2, 2002

VERIFICATION

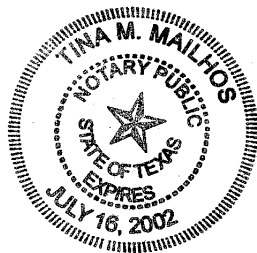
STATE OF TEXAS)
)ss
COUNTY OF TARRANT)

Richard A. Batie makes oath and says he is Manager, Shortline Development in the Network Development department of The Burlington Northern and Santa Fe Railway Company; that he has been authorized by the Applicant to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-6 (Sub-No. 395X); that he affirms that the line has had no local traffic in the prior two (2) years and that there is no overhead traffic to be rerouted; that he has carefully examined all of the statements in the Notice; that he has knowledge of the facts and matters relied upon in the Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.

Richard A. Batie

Richard A. Batie
Manager, Shortline Development

Subscribed and sworn to before me the 30 day of April, 2002.

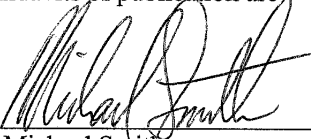


Tina M. Mailhos
Notary Public

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
NO. AB-6 (Sub No. 395X)

CERTIFICATION

I hereby certify that (1) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two (2) years; (2) service of notice upon the U.S. Department of the Interior, National Park Service, Recreation Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the Kansas Corporation Commission; the Missouri Public Utilities Commission; the Kansas Department of Transportation; the Missouri Department of Transportation; and the Chief Forest Service, U.S. Department of Agriculture was accomplished by mailing a copy thereof on March 21, 2002; (3) the environmental and historic reports were serviced upon the agencies identified in 49 C.F.R. § 1105.7(b) and the State Historic Preservation Offices on March 21, 2002; (4) service of notice upon the State Clearinghouses was accomplished by mailing a copy thereof on March 21, 2002; and (5) the publication requirements of 49 C.F.R. § 1105.12 have been complied with, to wit: publication of notice was accomplished on March 25, 2002 in the Columbus Daily Advocate and on March 28, 2002 in the Carthage Press (affidavits of publication are attached).


Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Dated: May 2, 2002

PROOF OF PUBLICATION

STATE OF KANSAS
CHEROKEE
COUNTY,

SS:

Janet K. Grant, of lawful age, being first duly sworn, Deposes and says:

That she is principal publisher of The Columbus Daily Advocate, a daily newspaper printed in the State of Kansas, and published in and of general circulation in Cherokee County, Kansas, with a general paid circulation on a daily, weekly, monthly, or yearly basis in Cherokee County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice, and has been admitted at the post office of Columbus in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ONE time. The publication thereof being made as aforesaid on the 25th day of MARCH, 2002.

Janet K. Grant

Subscribed and sworn to before me this 12 day of April 2002.

Carla Britt

Notary Public

My commission expires: 9/19/05

Printer's fee: \$41.30

Additional copies: \$

Total Publication fee: \$

PUBLIC NOTICE

(Published in the Columbus Daily Advocate March 25, 2002.)

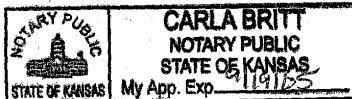
NOTICE OF INTENT TO ABANDON

The Burlington Northern and Santa Fe Railway Company gives notice that on or after April 9, 2002, it intends to file with the Surface Transportation Board, Washington, DC 20423, an abandonment notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments permitting the abandonment of or discontinuance of service on 28.25 miles of railroad line between railroad milepost 343.55 in Columbus, Kansas and milepost 315.30 in Carthage, Missouri, which line segment traverses through United States Postal Zip Codes 66725 and 66728 in Cherokee County, Kansas and through United States Postal Zip Codes 64834, 64835 and 64836 in Jasper County, Missouri. The proceeding will be docketed as No. AB-6 (Sub-No. 385X).

The Board's Section of Environmental Analyses (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1538.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington DC 20423-0001 (See 49 CFR 1104.1(a) and 1104.3(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative Michael Smith, Freeborn & Peters, 311 S. Wacker Drive, Suite 3000, Chicago, Illinois 60606-6677 - telephone (312) 360-6724.

(M. 25)



AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI } ss.
County of Jasper

Kim Young

Being sworn upon his oath states that she is the Bookkeeper of the CARTHAGE PRESS, a daily newspaper printed and published in Carthage, Jasper County, Missouri; that the notice; a copy of which is hereto annexed, was published in said newspaper for issue as follows:

In Nos. 74

Volume 118

Dates Mar 28, 2002

and that said newspaper is of general circulation in Jasper County, Missouri, and has been admitted to the Post Office as second class matter in the city of publication, and that said newspaper is and has been published regularly and consecutively for a period of three years prior to the date first above written, and has a list of bona fide subscribers, voluntarily engaged as such, who have paid or agreed to pay a stated price for a subscription for a definite period of time. And that said newspaper in which said notice was published has compiled with the provision of Section 493.050, Revised Statute, of Missouri, 1949.

Kim Young

Bookkeeper

Heleen E. Taylor
Notary Public

HELEN E. TAYLOR, Notary Public
State of Missouri, Jasper County
My Commission Expires Aug. 26, 2005

NOTICE OF INTENT TO ABANDON

The Burlington Northern and Santa Fe Railway Company gives notice that on or after April 9, 2002, it intends to file with the Surface Transportation Board, Washington, DC 20423, an abandonment notice of exemption under 49 CFR 1152 Subpart F — Exempt Abandonments permitting the abandonment of or discontinuance of service on 28.25 miles of railroad line between railroad milepost 343.55 in Columbus, Kansas and milepost 315.30 in Carthage, Missouri, which line segment traverses through United States Postal Zip Codes 66725 and 66725 and 66728 in Cherokee County, Kansas and through United States Postal Zip Codes 64834, 64835 and 64836 in Jasper, County, Missouri. The proceeding will be docketed as No. AB-6 (Sub-No. 395X).

The Board's Section of Environmental Analyses (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-365-1538.

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI } ss.
County of Jasper

Kim Young

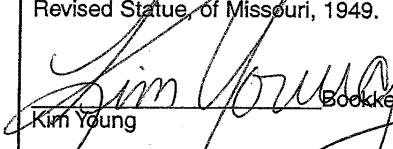
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In Nos. 74

Volume 118

Dates Mar. 28, 2002

and that said newspaper is of general circulation in Jasper County, Missouri, and has been admitted to the Post Office as second class matter in the city of publication, and that said newspaper is and has been published regularly and consecutively for a period of three years prior to the date first above written, and has a list of bona fide subscribers, voluntarily engaged as such, who have paid or agreed to pay a stated price for a subscription for a definite period of time. And that said newspaper in which said notice was published has complied with the provision of Section 493.050, Revised Statute, of Missouri, 1949.


Kim Young

Bookkeeper


Notary Public

HELEN E. TAYLOR, Notary Public
State of Missouri, Jasper County
My Commission Expires Aug. 26, 2005

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An

original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative Michael Smith, Freeborn & Peters, 311 S. Wacker Drive, Suite 3000, Chicago, Illinois 60606-6677 - telephone (312) 360-6724.

Carthage Press: Mar. 28, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company
Notice of Exemption to Abandon
Its Line of Railroad Between M.P.
343.55 in Columbus, Kansas and
M.P. 315.30 in Carthage, Missouri

Docket No. AB-6
(Sub No. 395X)

ENVIRONMENTAL REPORT

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between M.P. 343.55 in Columbus, Kansas and M.P. 315.30 in Carthage, Missouri, a total distance of 28.25 miles.

(1) **Proposed action and Alternatives:** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

(2) **Transportation system:** Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no effect on existing transportation systems or patterns as the line is out of service.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed abandonment should be consistent with local land use plans. The Jasper County Commission is interested in acquiring the abandoned line of railroad from the Missouri State line to Carthage, Missouri. See Exhibit B, letter from the Jasper County Commission. The Cherokee County Board of Commissioners have been notified by letter dated May 21, 2001, and as of the date of this report, has not responded. See Exhibit C.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The proposed abandonment will have no effects on prime agricultural land in Missouri. See Exhibit D, letter from the United States Department of Agriculture, Farm Service Agency. The proposed abandonment will have no adverse affects on prime agriculture in Kansas. See Exhibit E, letter from the United States Department of Agriculture.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The line may be suitable for alternative public use. See Exhibit B, letter from the Jasper County Commission; See Exhibit F, letter from the Department of Natural Resources.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy.

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

(ii) Describe the effect of the proposed action on recyclable commodities.

The abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

(5) Air:

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles per day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

This action will have no effect on the transportation of ozone-depleting materials as the line is out of service.

(6) Noise: If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety:

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. The proposed abandonment will eliminate 40 public crossings and 8 private crossings. During salvage operations on the line, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the

extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

To the best of BNSF's knowledge, there are no known hazardous waste sites or sites where there have been known hazardous spills on the right-of-way between mile post 315.30 and mile post 343.55.

(8) Biological resources:

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

In Kansas, critical habitat has been designated as threatened and/or endangered for the following species: Northern Spring Peeper (*Pseudacris crucifer crucifer*), Dark-sided Salamander (*Eurycea longicauda melanopleura*), Eastern Narrowmouth Toad (*Gastrophryne carolinensis*), Central Newt (*Notophthalmus viridescens louisianensis*), and the Northern Redbelly Snake (*Storeia occipitomacaulata occipitomaculata*). The proposed abandonment should have little impact on these species. See Exhibit G, letter from the State of Kansas Department of Wildlife and Parks.

The proposed abandonment will cross the Spring River, which is known habitat for the threatened Neosho madtom (*Noturus placidus*), as

well as several freshwater mussels that are federal species of concern.

Since the removal activities will not impact the stream channel or its banks, there should be no adverse impacts to fish and wildlife resources, including threatened and endangered species. See Exhibit H, letter from the Fish and Wildlife Service, Kansas Field Office and Exhibit G, letter from the State of Kansas Department of Wildlife and Parks.

Adverse impacts to Missouri's sensitive biological resources are not anticipated as a result of the proposed abandonment. See Exhibit I, letters from the Missouri Department of Conservation.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

There are no Federal lands administered by the Bureau of Land Management along the railroad line in Kansas or Missouri. See Exhibit J, letter from the Bureau of Land Management, Amarillo Field Office; see exhibit K, letter from the Bureau of Land Management, Milwaukee Field Office. There are no public managed lands adjacent to the proposed abandonment area. See Exhibit G, letter from the State of Kansas Department of Wildlife and Parks.

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

If there are any impacts to bridges that during the activity may impede water in the stream you may need to obtain a permit from the Department of

Agricultural-Division of Water Resources for the Stream. See Exhibit L, letter from the Kansas Department of Health & Environment.

The proposed abandonment will not involve the construction of any facility, levee, floodplain fill or other structure that controls, regulates or changes the floodwaters of a stream watercourse in Kansas. The abandonment will not include the construction of a dam or diminish the course, current or cross section of a stream or watercourse in Kansas. The abandonment will not involve pipeline and/or cable that crosses a stream with a drainage area greater than 50 square miles. Therefore, the abandonment is consistent with applicable Federal, State and local water quality standards. See Exhibit M, letter from the State of Kansas Department of Agriculture.

Burlington Northern and Santa Fe will not need a section 401 Water Quality Certification from the State of Missouri. See Exhibit T, letter for the State of Missouri Department of Natural Resources. BNSF will take care to keep machinery out of the waterway as much as possible. Any fuel, other petroleum products, equipment and any solid waste will not be stored below the ordinary high water mark at any time or in the adjacent floodway beyond normal working hours. Petroleum products spilled into any waterway or on the banks where the material may enter waters of the state should be immediately cleaned up and disposed of properly. Clearing of vegetation and trees will be kept to a minimum necessary to accomplish the abandonment. Best management practices will be used during all phases of the proposed project to limit the amount of erosion and

deposition of sediment in waters of Missouri. See Exhibit T, letter from the State of Missouri Department of Natural Resources.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

The abandonment will not involve the discharge of dredged or fill materials in the United States. Therefore, Section 404 permits are not required. See Exhibit Q, letter from the Department of the Army, Kansas City District, Corps of Engineers; See Exhibit R, letter from the Department of the Army, Little Rock District, Corps of Engineers.

There will be no significant change in the 100-year floodplains in Cherokee County, Kansas due to the abandonment of the railroad. See Exhibit S, letter from the Cherokee County Kansas Office of County Engineer.

The State of Missouri states that the City of Carthage and Jasper County are participants in the National Flood Insurance Program. The abandonment must meet the requirements of the City of Carthage and Jasper County. See Exhibit N, letter from the State of Missouri Emergency Management Agency. The abandonment does not fall within the City of Carthage, therefore it does not have an impact on existing flood zones. See Exhibit O, letter from the City of Carthage. The 100-year flood plain crosses the railroad in Jasper County. As long as only the track materials are removed, there should be no impact to the 100-year floodplains. See Exhibit P, response from Jasper County.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

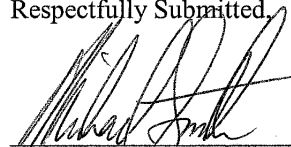
In Kansas, if construction activity exceeds five acres of soil surface disturbance, BNSF may need to submit a Notice of Intent form to be covered by the Kansas general permit for construction stormwater discharges. If construction is expected to continue beyond March 10, 2003 the need to submit a Notice of Intent form for construction stormwater discharge would be reduced to one acre. See Exhibit L, letter from the Kansas Department of Health and Environment.

Since the project will not involve any fill materials being deposited into a jurisdictional water, a section 401 Water Quality Certification from the State of Missouri is not needed. Since the project will not involve the discharge of wastewater, a Section 402 permit will not be required. See Exhibit T, letter from the State of Missouri Department of Natural Resources.

(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

Michael Smith

Freeborn & Peters

311 S. Wacker Dr. Suite 3000

Chicago, Illinois 60606-6677

Phone: (312) 360-6724

Fax: (312) 360-6598

Dated: May 2, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company
Notice of Exemption to Abandon
Its Line of Railroad Between
Columbus, M.P. 343.55, Kansas
and Carthage, M.P. 315.30, Missouri

Docket No. AB-6
(Sub No. 395X)

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The
Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the
Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting
the Board's environmental and historical assessment regarding BNSF's Notice of
Exemption to abandon its line of railroad between M.P.343.55 in Columbus, Cherokee
County, Kansas and M.P. 315.30 in Carthage, Jasper County, Missouri, a total distance of
28.25 miles.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently
detailed to show buildings and other structures in the vicinity of the proposed action)
showing the location of the proposed action, and the locations and approximate
dimensions of the railroad structures that are 50 years old or older and are part of the
proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the Kansas and
Missouri Historical Societies and one copy is being provided to the Surface
Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to
the extent known) and the topography and urban and/or rural characteristics of the
surrounding area:

The 28.25 mile Columbus, Kansas to Carthage, Missouri line connects the towns of Carthage and Carl Junction, Missouri with the station of Military and the town of Columbus, Kansas. The line is located in Jasper county, Missouri and Cherokee county, Kansas. The adjoining land is rural in nature and generally flat with some rolling hills. The population of Carthage is 12,668, Carl Junction 5,294 and Columbus at 3,396 as listed in the 2002 Rand McNally atlas. Stations along the line include Columbus and Military, Kansas and Carl Junction and Carthage, Missouri. The city of Joplin, Missouri with a population of 45,504 is located approximately 10 miles south of the Columbus to Carthage line.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

See Exhibit U.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

See Exhibit U.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The former Memphis Carthage and Northwestern Railroad Company and The Missouri and Western Railway Company acquired the rail line corridor between Columbus, Kansas and Carthage, Missouri between 1875 and 1879. Both these companies were predecessors of the St Louis and San Francisco Railway Company (SLSF). In 1980 the SLSF merged into the Burlington Northern Railroad Company (BN).

BN subsequently merged with the Atchison Topeka and Santa Fe Railway in 1995 to become The Burlington Northern and Santa Fe Railway Company (BNSF).

The Columbus to Carthage line has been out of service for over two years.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

In Kansas, the proposed abandonment should not have any affect on property listed on the National Register of Historical Places or any otherwise properties identified by the Kansas State Historical Society as having historical significance. See Exhibit V, letter from the Kansas State Historical Society.

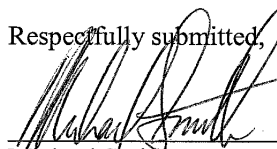
In Missouri, to the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. The Battle of Carthage Historic Site is located approximately 3 miles east of the abandonment location in Carthage, Missouri. The proposed abandonment does not appear to impact the site. See Exhibit W, letter from the State of Missouri Department of Natural Resources, Division of State Parks.

The Missouri Department of Natural Resources has requested an architectural survey to evaluate bridges and structures. See Exhibit X, letter from the Missouri Department of Natural Resources, State Historic Preservation Office. BNSF is seeking requests for proposals from qualified architectural historians to perform a survey for the three bridges located along the alignment in Jasper County, Missouri. All other structures on the route are located in Cherokee County, Kansas. The Kansas State Historical Society has not indicated a need for such a survey on Kansas properties. See Exhibit V, letter from the Kansas State Historical Society. Should a Section 106 condition be imposed, it should be tailored to a review of "the bridges/trestles and railroad related structures" along the route located within the state of Missouri in order to address the Missouri Department of Natural Resource's concerns.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Dated: May 2, 2002

CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c)

The Burlington Northern and Santa Fe Railway Company ("BNSF") by and through its authorized representative, Michael Smith, certifies that on March 21, 2002, BNSF sent copies of the foregoing Environmental and Historical Reports by first class mail to the following agencies:

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Richard Pankratz
Director of Historic Preservation
6425 SW Sixth Avenue
Topeka, Kansas 66615-1109

Clare Blackwell
Deputy State Historic Preservation Officer
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

James Dryden
Field Manager
U.S. Department of the Interior
Bureau of Land Management
Milwaukee Field Office
310 W. Wisconsin Avenue
Milwaukee, WI 52303

Paul Tanner
Bureau of Land Management
Amarillo Field Office
801 S. Filmore Street, Suite 500
Amarillo, TX 79191

Douglas Eikin
Director of the Division of State Parks
Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Chris Nammoliti
Kansas Department of Wildlife & Parks
512 SE 25th Avenue
Pratt, KS 67124

George Riedel
Floodplain Management Manager
Missouri Emergency Management Agency
P.O. Box 116
Jefferson City, MO 65102

Joe Butler
Floodplain Administrator
City of Carthage
623 East 7th Street
Carthage, MO 64836

Steve Lett
Floodplain Administrator
Jasper County
1102 West 9th Street
P.O. Box 1867
Joplin, MO 64802

Fred Graham
Project Coordinator
Cherokee County, Kansas
Office of the County Engineer
100 W Maple St
PO Box 14
Columbus KS, 66725

Danny Hensley
Commissioner
Jasper County
302 S. Main
Carthage, MO 64836

Jerry Harris
U.S. Army Corps of Engineers
Little Rock District
P.O. Box 867
Little Rock, AR 72203

Bill Hartwig
Regional Director
U.S. Department of the Interior
U.S. Fish & Wildlife Service
1 Federal Drive
BHW Federal Bldg.
Fort Snelling, MN 55111

William Gill
Field Supervisor
U.S. Department of the Interior
U.S. Fish and Wildlife Service
Kansas Field Office
315 Houston St., Suite E
Manhattan, KS 66502-6172

Kelly Beason
County Executive Director
United States Department of Agriculture
Farm Service Agency
Carthage, MO 64836-3925

Peggy Hoerner
Endangered Species Coordinator
Missouri Department of Conservation
2901 W. Truman Blvd.
Jefferson City, MO 65109

Pat Collins
Chairman
Board of Commissioners
100 W. Maple Street
P.O. Box 14
Columbus, KS 66725

Shannon Warner
U.S. Army Corps of Engineers
Kansas City District
State Regulatory Office - Kansas
2710 N.E. Shady Creek Access Road
El Dorado, KS 67042

Ralph Morgenweck
Regional Director
U.S. Department of the Interior
U.S. Fish & Wildlife Services
P.O. Box 25486
Denver, CO 800025

Bob Lytle
Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Topeka, KS 66612-1176

Rosemary Pillar
United States Department of Agriculture
Natural Resources Conservation Service
Columbus Service Center
206 S. Indiana Ave.
Columbus, KS 66725-1828

Scott Totten
Water Placement Control Program
Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Joe Mester
Kansas Department of Health and
Environment Bureau of Water
Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, Kansas 66612-1367

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-2425

Missouri Public Service Commission
3675 Noland Road, Suite 110
Independence, MO 64055

Kansas Department of Transportation
915 Harrison, Room 754
Docking State Office Building
Topeka, KS 66612-1568

Missouri Department of Transportation
105 W. Capital Avenue
P.O. Box 270
Jefferson City, Missouri 65102

Deborah Schnack
Director
Planning and Development Program
Missouri Department of Natural Resources
Division of State Parks
P.O. Box 176
Jefferson City, MO 65102

John Young
Director
Division of Environmental Quality
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Ronald Hammerschmidt, PhD,
Director
Kansas Dept. of Health & Environment
Division of Environment
1000 SW Jackson, Suite 420
Topeka, Ks. 66612-1367

United States Department of Agriculture
Natural Resources Conservation Office
Missouri State Office
Parkside Center, Suite 250
601 Business Loop 70 West
Columbia, MO 65203-2546

Roger A. Hansen
MO State Conservationist
601 Business Loop 70W
Parkade Center, Suite 250
Columbia, MO 65203

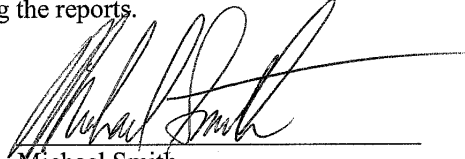
Tomas Dominguez
State Conservationist
Kansas Natural Resources Conservation
Service
760 S. Broadway
Salina, Kansas 67401 - 4642

U.S. Environmental Protection Agency
Region 7
901 North 5th St.
Kansas City, KS 66101

U.S. Department of the Interior
National Park Service
Land Resource Division
1849 C Street, N.W.
Washington, DC 20240

Edward McKay
National Geodetic Survey
NOAA - SSMC3
1315 East-West Highway
Silver Spring, MD 20914

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.

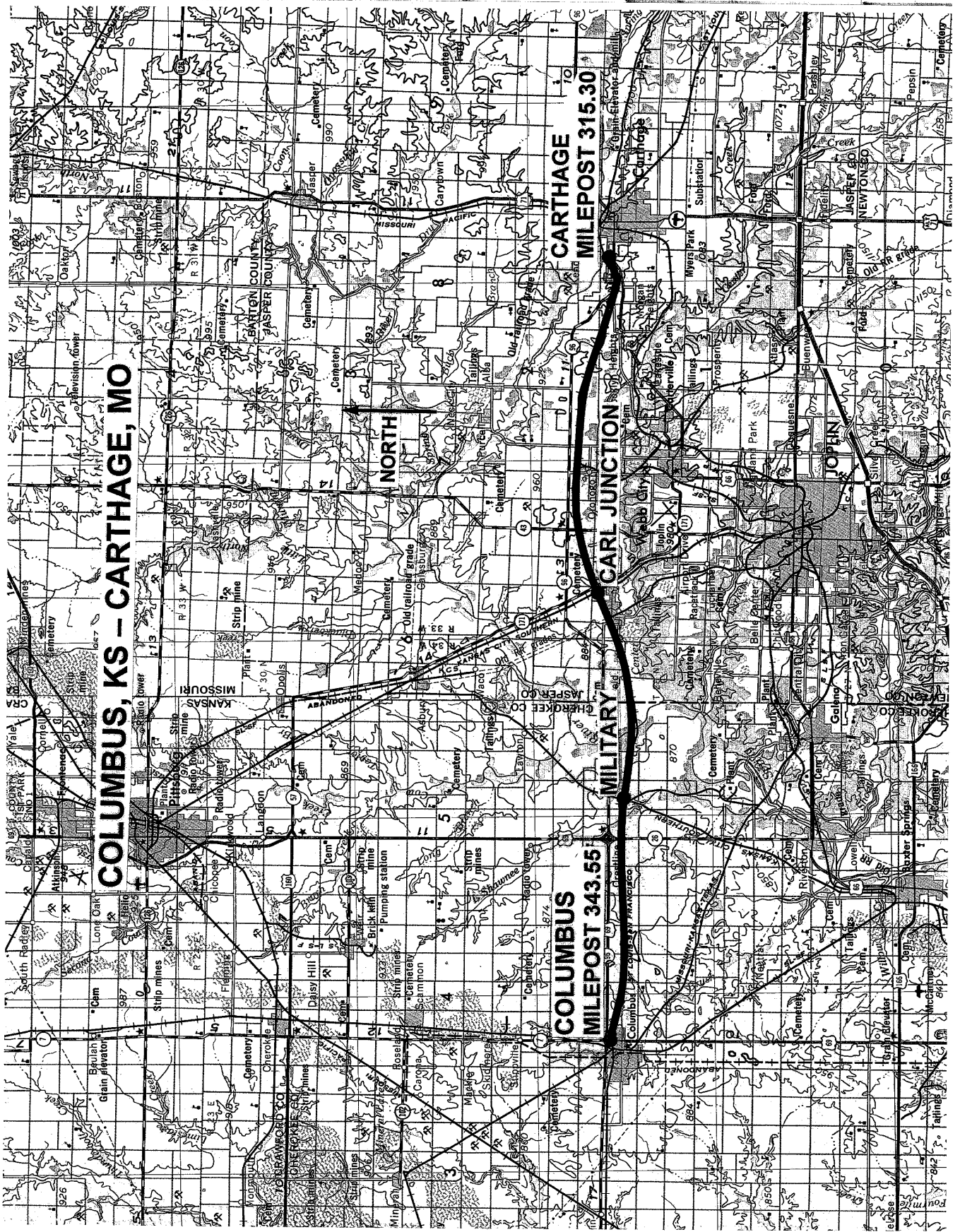
A handwritten signature in black ink, appearing to read "Michael Smith", is written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Dated: May 2, 2002

A

COLUMBUS, KS - CARTHAGE, MO



B

Danny Hensley:
Presiding Commissioner

Jim Honey:
Eastern District Commissioner

Anna Ruth Crampton:
Western District Commissioner



Carthage
417-358-0421

JOPLIN TOLL FREE
417-625-4350
1-800-404-0421

Jasper County Commission
COURTHOUSE ROOM 101
CARTHAGE, MISSOURI 64836-0387

May 29, 2001


Brian Nettles
Attorney at Law
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

The Jasper County Commission is very interested in acquiring the Burlington Northern and Santa Fe Railway Company Abandonment lines of railroad from the Missouri State line to Carthage, Missouri.

Please respond with options in acquiring the abandonment lines of railroad.

JASPER COUNTY COMMISSION


Danny Hensley
Presiding Commissioner

C

Freeborn & Peters

May 21, 2001

Pat Collins, Chairman of the Board of
County Commissioners
P.O. Box 14
Columbus, Kansas 66725

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
between Columbus, Kansas and Carthage, Missouri***

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Litigation Clerk
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

Dear Mr. Collins:

The Burlington Northern and Santa Fe Railway Company ("BNSF") plans to file an exemption to abandon its line of railroad between Columbus (Milepost 343.55), Kansas and Carthage (Milepost 315.30), Missouri, a distance of 28.25 miles in the near future.

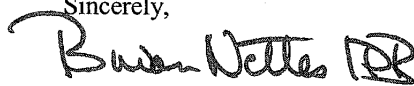
As part of the environmental report BNSF needs to know whether or not the proposed action is consistent with local land use plans and if there are any alternate public uses for the corridor such as a recreational trail.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information **as soon as possible**. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,


Brian Nettles

/bn
Enclosure

D

**United States Department of Agriculture
Farm Service Agency
416 E. Airport Drive
Carthage, Missouri 64836
Phone: 417-358-8198
Fax: 417-358-5792**

November 7, 2001

Freeborn & Peters
Attn: Brian Nettles, Paralegal
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

Dear Mr. Nettles,

On November 6, 2001 the Jasper County FSA Committee reviewed the map submitted for the proposed abandonment of the Burlington Northern and Santa Fe Railway Company. The County Committee determined the proposed abandonment would not have any effect on prime agriculture lands.

If you have any further questions or I can be of any further assistance, please do not hesitate to contact me at the above phone number.

Sincerely,



Kelly N. Beason
County Executive Director
Jasper County FSA Committee

E



**United States Department of Agriculture
Natural Resources Conservation Service**

**2917 West Highway 50
Emporia, KS 66801-5140**

Phone: 620-343-7276
FAX: 620-343-7871

November 16, 2001

Brian Nettles, Paralegal
Freeborn & Peters Attorneys at Law
311 South Wacker Drive Suite 3000
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

Thank you for the opportunity to review the proposed project of removing track materials from the abandoned Burlington Northern and Santa Fe Railway line between Columbus, Kansas and Carthage Missouri.

Since these are existing facilities on land already converted this project isn't affected by the Farmland Protection Policy Act. I see no other adverse environmental effects for which the Natural Resources Conservation Service is responsible for evaluating.

We wish you well with your project and if our local Natural Resources Conservation Service (NRCS) office in Columbus can be of any assistance don't hesitate to call.

If I can be of further assistance please let me know.

A handwritten signature in black ink, appearing to read "Jeffrey L. Gross", is written over the typed name.

JEFFREY L. GROSS

Assistant State Conservationist

cc:

Robert S. Williams, District Conservationist, NRCS, Columbus, KS
Rodney D. Egbarts, Soil Conservationist, NRCS, Salina, KS

F



Bob Holden, Governor • Stephen M. Mahfood, Director

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF STATE PARKS

P.O. Box 176 Jefferson City, 65102-0176 (573) 751-2479

FAX (573) 751-8656

June 13, 2001

Mr. Brian Nettles
Litigation Clerk
Freeborn & Peters Attorneys at Law
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

Re: The Burlington Northern and Santa Fe Railway Company Abandonment between
Columbus, Kansas and Carthage, Missouri

Dear Mr. Nettles:

I am writing in reply to your letter regarding the suitability of the Burlington Northern and Santa Fe Railway line between Columbus, Kansas and Carthage, Missouri for alternative public use. The Missouri Department of Natural Resources, Division of State Parks recommends that BNSF coordinate with the regional planning commission(s) and cities along the route for information regarding existing and proposed recreational facilities to address the suitability of the right-of-way for possible recreational use.

Additionally, Battle of Carthage State Historic Site is located within the vicinity of the line. Battle of Carthage is a 7.4-acre tract, located in Carthage on the north side of East Chestnut Street, next to Carter Park. Please keep me apprised of any coordination needed with the site as your research continues.

Thank you for the opportunity to comment on your plans. Should you have questions or need additional information, I can be reached at 573/751-9392.

Sincerely,

DIVISION OF STATE PARKS

Douglas K. Eiken
Director

DKE/lddc

c: Gary Walrath, District Supervisor, Southern Missouri Historic District
Pamela J. Myers, Harry S. Truman Birthplace State Historic Site

G



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Operations Office
512 SE 25th Ave.
Pratt, KS 67124-8174
Phone: (620) 672-5911 FAX: (620) 672-6020



June 29, 2001

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive
Chicago, IL 60606-6677

Ref: D2.0401A
Cherokee
BNSF Abandonment
Track: 20010270

Dear Mr. Nettles:

We have reviewed the information submitted in your letter dated May 21, 2001, regarding abandonment of the line between Columbus, KS and Carthage, MO. The project was reviewed for potential impacts on crucial wildlife habitats, current state-listed threatened and endangered species and species in need of conservation, and public recreation areas for which this agency has some administrative authority.

Critical habitat has been designated for the following state listed threatened/endangered species: Northern Spring Peeper, *Pseudacris crucifer crucifer*; Dark-sided Salamander, *Eurycea longicauda melanopleura*; Eastern Narrowmouth Toad, *Gastrophryne carolinensis*; Central Newt, *Notophthalmus viridescens louisianensis*; and Northern Redbelly Snake, *Storeria occipitomaculata occipitomaculata*. Additionally, the Spring River provides critical habitat for several freshwater mussel species and the state and federally listed Neosho Madtom, *Noturus placidus*.

Work carried out with in existing railroad right-of-way should have little impact on these species. Wetland areas should not be reduced. At this time, our department is not pursuing additional recreational trails and we could identify no public managed lands adjacent to the proposed abandonment area.

Sincerely,

Jim F. Hays, Terrestrial Ecologist
Environmental Services Section

JFH:md

xc: Region 5, Tiemann

H



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kansas Field Office
315 Houston Street, Suite E
Manhattan, Kansas 66502-6172

June 8, 2001

Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

RE: BNSF abandonment between Columbus, KS and Carthage, MO

Dear Mr. Nettles:

On June 1 I received your letter of May 18, 2001, which was sent to our Denver Regional Office, describing a proposed abandonment of 28.25 miles of existing Burlington Northern and Santa Fe railway line, between Columbus, Kansas and Carthage, Missouri. The Kansas portion of the abandonment occurs within Cherokee County. The current rail line crosses the Spring River, which is known habitat for the threatened Neosho madtom (*Noturus placidus*), as well as several freshwater mussels which are federal species of concern. However, unless the track removal activities will impact the stream channel or its banks, there should be no adverse impacts to fish and wildlife resources, including threatened and endangered species. Therefore, the U.S. Fish and Wildlife Service has no objection to this proposal as planned.

The Service encourages the BNSF Railway Company to keep the right-of-way in a natural condition for the benefit of native wildlife, plants, and the public. You may wish to contact the National Park Service, Omaha, Nebraska, 402-221-3350, for more information on the "Rails to Trails" Program. You may also wish to contact the Kansas Department of Wildlife and Parks in Pratt, Kansas, 316-672-5911, to determine their interest in acquiring a nature trail.

In the future, please direct all inquiries regarding Kansas projects to this office, rather than going through our Denver office. This should help eliminate unnecessary delays in our response. Thank you for this opportunity to comment on the proposed abandonment.

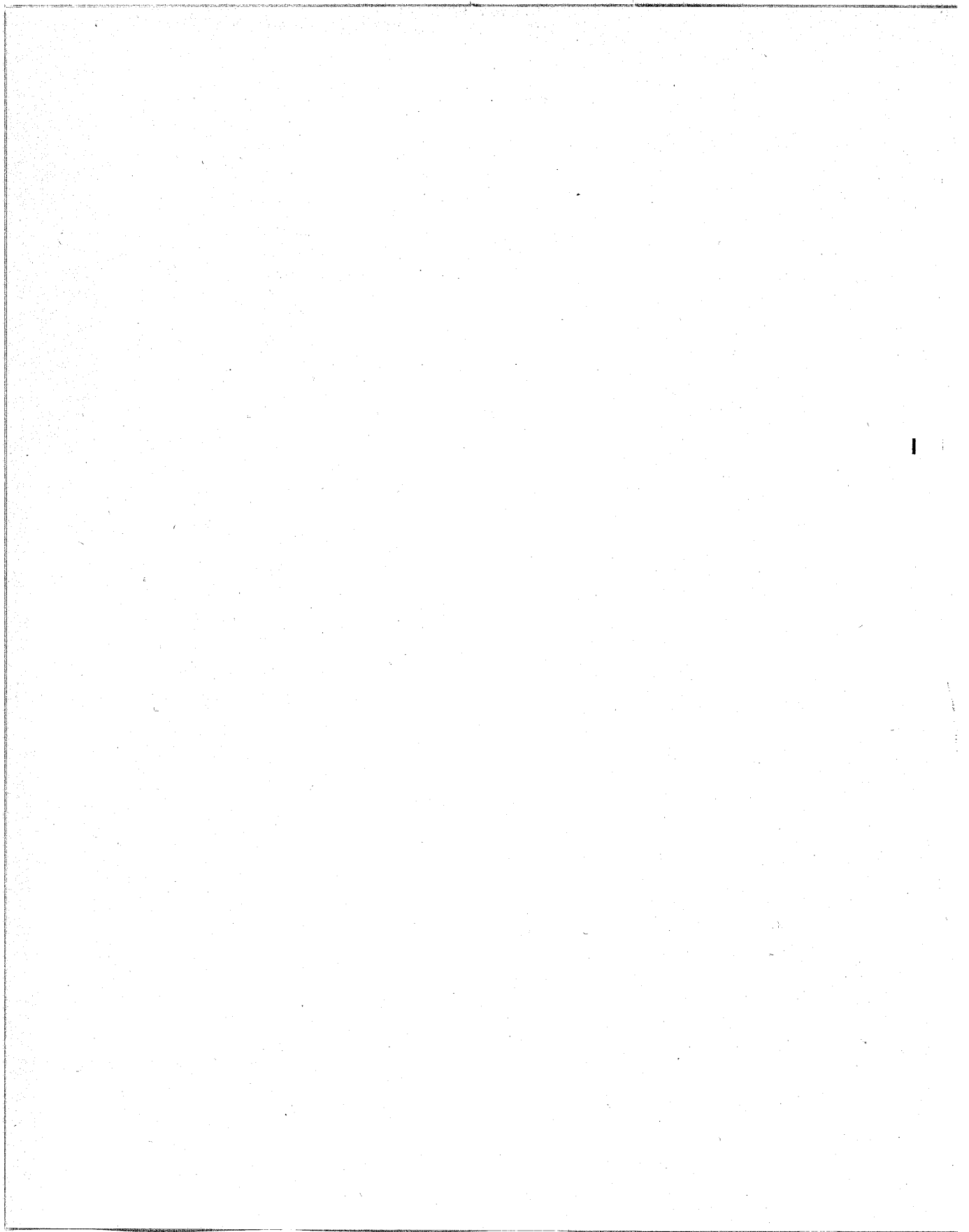
Sincerely,

For:

William H. Gill

Field Supervisor

cc: KDWP, Pratt, KS (Environmental Services)





MISSOURI DEPARTMENT OF CONSERVATION

Headquarters

2901 West Truman Boulevard, P.O. Box 180, Jefferson City, Missouri 65102-0180
Telephone: 573/751-4115 ♦ Missouri Relay Center: 1-800-735-2966 (TDD)

JERRY M. CONLEY, Director

June 15, 2001

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

Re: The Burlington Northern and Santa Fe Railway Company Abandonment
between Columbus, Kansas and Carthage, Missouri

Dear Mr. Nettles:

Thank you for your letter of May 17, 2001, regarding species of conservation concern within the proposed project area.

Adverse impacts to Missouri's sensitive biological resources are not anticipated based on identified activities (i.e., railway abandonment) associated with the proposed project. However, any change to the referenced project, resulting in additional construction activities, or expansion or relocation of the project site, should be submitted to this agency for additional review. This step will help ensure that species of conservation concern are appropriately identified and addressed.

Thank you for the opportunity to review and comment.

Sincerely,

MARY LYON
POLICY ANALYST

ML:bg

COMMISSION

ANITA B. GORMAN
Kansas City

RANDY HERZOG
St. Joseph

RONALD J. STITES
Plattsburg

HOWARD L. WOOD
Bonne Terre



MISSOURI DEPARTMENT OF CONSERVATION

Headquarters

2901 West Truman Boulevard, P.O. Box 180, Jefferson City, Missouri 65102-0180
Telephone: 573/751-4115 ▲ Missouri Relay Center: 1-800-735-2966 (TDD)

JERRY M. CONLEY, Director

April 4, 2002

Mr. Michael A. Smith
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

Dear Mr. Smith:

Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 395X)
The Burlington Northern and Santa Fe Railway Company
Abandonment between Columbus, Kansas and Carthage, Missouri

Thank you for your letter of March 20, 2002, regarding species of conservation concern within the proposed project area.

Adverse impacts to Missouri's sensitive biological resources are not anticipated based on identified activities (i.e., railroad abandonment) associated with the proposed project. However, any change to the referenced project, resulting in additional construction activities, or expansion or relocation of the project site, should be submitted to this agency for additional review. This step will help ensure that species of conservation concern are appropriately identified and addressed.

Thank you for the opportunity to review and comment.

Sincerely,

GENE GARDNER
POLICY COORDINATOR

GG:bg

COMMISSION

STEPHEN C. BRADFORD
Cape Girardeau

ANITA B. GORMAN
Kansas City

CYNTHIA METCALFE
St. Louis

HOWARD L. WOOD
Bonne Terre

J



IN REPLY REFER TO:
2800 (NM0901) P

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Amarillo Field Office - Helium Operations
801 South Fillmore, Suite 500
Amarillo, Texas 79101-3545
www.nm.blm.gov
June 11, 2001

Mr. Brian Nettles
Freeborn and Peters
311 South Wacker Drive
Chicago, IL 60606-6677

Dear Mr. Nettles:

With regards to the BNSF's plans to file an exemption to abandon its line of railroad in Ottawa, Kansas (between milepost 58.05 and milepost 58.26) as well as it's line between Columbus, Kansas and the Missouri border, the Bureau of Land Management has no public lands or minerals that would be impacted. The state of Missouri is not within this office's jurisdictional boundaries, and you should contact BLM, Jackson Field Office, in Jackson, Mississippi for information on that portion of the subject line between the Missouri border and Carthage, Missouri.

Sincerely,

Timothy R. Spisak
Amarillo Field Office Manager

K

United States Department of the Interior



**Bureau of Land Management
Milwaukee Field Office
PO Box 631
Milwaukee, Wisconsin 53201**



IN REPLY REFER TO:
2000 (030)

MAY 29 2001

Mr. Brian Nettles
Freeborn & Peters, Attorneys at Law
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

This is in response to your letter of May 21, 2001, to James W. Dryden concerning your proposal to abandon 28.25 miles of railroad line between Columbus (Milepost 343.55), Kansas and Carthage (Milepost 315.30), Missouri.

A search of our records shows there are no Federal lands administered by the Bureau of Land Management along the railroad line. Thank you for giving us the opportunity to comment on this proposal. Our office does not have information on the location of wildlife refuges, State or National Parks, or State or National Forests in the immediate vicinity. You must contact the U.S. Fish and Wildlife Service, National Park Service, USDA Forest Service or State offices to obtain this information.

If you require additional information, please contact Marcia Sieckman at (414) 297-4402.

Sincerely,

A handwritten signature in cursive script that reads "Chris Hanson".

Chris Hanson
Assistant Field Office Manager
Division of Natural Resource Management

L



KANSAS

DEPARTMENT OF HEALTH & ENVIRONMENT

BILL GRAVES, GOVERNOR

Clyde D. Graeber, Secretary

February 15, 2002

Mr. Bryan Nettles
Freeborn & Peters
311 S. Wacker Dr., Ste. 3000
Chicago, IL 60606

Re: Burlington Northern & Santa Fe Railway Co.
Abandonment of the Following Lines:
Ottawa, KS Trackage
Trackage between Columbus, KS and Carthage, MO
Trackage between Wichita and Valley Center

Dear Mr. Nettles:

This Department is in receipt of individual letters for the above three referenced railway trackage abandonments and a request of the information as to whether a section 402 and/or an NPDES permit are required as a result of the proposed abandonment. From the information provided this Department can only indicated that if construction activities for each abandonment exceeds five acres of soil surface disturbance the project will need to submit a Notice of Intent form to be covered by the Kansas general permit for construction stormwater discharges. If construction is expected to continue beyond March 10, 2003 the need to submit a Notice of Intent form for construction stormwater discharge would be reduced to one acre.

Information on the Kansas Notice of Intent form and general permit for construction stormwater discharges can be located at the website at the following address: <http://www.kdhe.state.ks.us/stormwater>.

If there any impacts to bridges that during the activity may impede water in the stream you may need to obtain a permit from the Department of Agricultural-Division of Water Resources for the stream crossings.

If you have any additional questions, please contact this office.

Sincerely,

Joe Mester, P.E.
Chief, Industrial Unit
Bureau of Water

dg

M

BILL GRAVES, GOVERNOR
Jamie Clover Adams, Secretary of Agriculture
109 SW 9th Street
Topeka, Kansas 66612-1280
(785) 296-3558
FAX: (785) 296-8389

STATE OF KANSAS



Division of Water Resources
David L. Pope, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
(785) 296-3717 FAX (785) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

June 14, 2001

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Ste 3000
Chicago, Illinois 60606-6677

RE: DWR A-95 2001.255

Dear Mr. Nettles:

This will acknowledge receipt of a letter and attachments from the Department of the Army dated June 6, 2001 regarding your permit determination concerning the abandonment of approximately 28 miles of railroad between Columbus, Kansas and Carthage, Missouri.

If the proposed project includes the construction of any facility, levee, floodplain fill, or other structure which controls, regulates or changes the flood waters of a stream or watercourse in this state, it will be subject to the provisions of K.S.A. 24-126 or 24-105, both of which require plans for the project to be approved by the Chief Engineer of the Division of Water Resources prior to construction.

If the proposed project includes the construction of a dam, or if it in any way changes or diminishes the course, current or cross section of a stream or watercourse in this state, it is subject to the provisions of K.S.A. 82a-301 to 305a, which requires the issuance of a permit and approved by the Chief Engineer prior to construction.

If the pipeline and/or cable crosses a stream with a drainage area greater than 50 square miles, a permit is required, except when the installation is by directional boring or attachment to existing bridging structure. Also, if the proposed crossing is above the original channel bottom, the project will require a permit if the drainage area is 240 acres or more, depending on its geographical location.

The project may require approval from the local community if it is located in an identified Special Flood Hazard Area (floodplain) and the community participates in the National Flood Insurance Program. If the project involves repair of damages or renovation and rehabilitation of structures, and the costs of the repair or renovation exceed 50 percent of the market value of a structure before the damage occurred or the renovation starts, the lowest floor of the repaired or renovated structure may need to be elevated above the base (one percent chance) flood level. If the elevation is accomplished by the placement of fill material in the floodplain, approval of plans for the placement of the fill material may be required from this office. Approval from our office also involves environmental review by other state agencies.

If you have questions regarding water structures, please contact Jean Darrah at (785) 296-2855.

Sincerely yours,

Bob Lytle
Environmental Scientist
Technical Services Section

RFL:drc

pc: Ms. Iona Branscum, Water Commissioner, Topeka Field Office

N

Bob Holden
Governor



STATE OF MISSOURI

EMERGENCY MANAGEMENT AGENCY

**DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE ADJUTANT GENERAL**

P.O. Box 116, Jefferson City, Missouri 65102
Phone: 573/526-9100 Fax: 573/634-7966
E-mail: mosema@mail.state.mo.us

Jerry B. Uhlmann
Director



May 31, 2001

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

Re: The Burlington Northern and Santa Fe Railway Company abandonment between Columbus, Kansas and Carthage, Missouri

Dear Mr. Nettles:

We very much appreciate the opportunity to comment on the abandonment of the Burlington Northern and Santa Fe Railway tracks with regard to the affect of the 100-year floodplain. Please accept this letter as comments from the Missouri State Emergency Management Agency (SEMA) regarding this project.

The City of Carthage and Jasper County, Missouri are participants in the National Flood Insurance Program (NFIP). Any development associated with this project located within a special flood hazard area as identified by the Federal Emergency Management Agency (FEMA) must meet the requirements of the community's floodplain management ordinance. This would require obtaining a floodplain development permit for this project. This permit must be obtained prior to the commencement of the construction/development activity. The permit would be obtained from the City of Carthage and Jasper County.

If the proposed development activity is located within a regulatory floodway, a "no-rise" certificate and statement as to the effects of possible flooding is required before the development can be permitted. This analysis must be performed by a licensed engineer and to FEMA standards.

If you have any questions concerning our comments, please contact me at (573) 526-9141.

Sincerely,

George Riedel
Floodplain Management Manager

GR:cw

cc: Kay Carder, Mitigation Specialist, FEMA Region VII
Joe Butler, Floodplain Administrator, City of Carthage
Steve Lett, Floodplain Administrator, Jackson County



The City of Carthage

DEPARTMENT OF ENGINEERING

623 East Seventh
Carthage, MO 64836

417-237-7010 Fax: 417-237-7011 eng@ipa.net

— "AMERICA'S MAPLE LEAF CITY" —

November 2, 2001

Mr. Brian Nettles
Freeborn & Peters
Attorneys at Law
311 South Walker Drive
Suite 3000
Chicago, Illinois 60606-6677

RE: RR GRADE/FLOOD PLAIN

Dear Mr. Nettles,

Based on our conversation and the map you furnished our office showing the location of MP 315.30, abandonment of railroad line between Columbus (Milepost 345.55), Kansas and Carthage (Milepost 315.30), Missouri, does not fall within the Corporate Limits of the City of Carthage and therefore does not have an impact on existing flood zones.

Please let me know if I can provide additional information.

Sincerely,

Joe Butler
Director of Engineering
Flood Plain Administrator

cc: Steve Lett,
Flood Plain Administrator, Jasper County

P

Freeborn & Peters

October 30, 2001

Steve Lett
Floodplain Administrator
Jasper County
1102 W. 9th Street
P.O. Box 1867
Joplin, Missouri 64802

**Re: The Burlington Northern and Santa Fe Railway Company Abandonment
between Columbus, Kansas and Carthage, Missouri**

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

Dear Mr. Lett:

The Burlington Northern and Santa Fe Railway Company ("BNSF") plans to file an exemption to abandon its line of railroad between Columbus (Milepost 343.55), Kansas and Carthage (Milepost 315.30), Missouri, a distance of 28.25 miles in the near future.

As part of the environmental report BNSF needs to know if the proposed abandonment will affect any 100-year floodplains. If so, please furnish 8 & 1/2 by 11 black and white maps in the area of each designated floodplain if they are available.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information **as soon as possible**. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

Attached are maps of the 100 yr.
floodplains crossed by BNSF railroad.
As long as only track materials
are removed, I see no impact
on the floodplains.

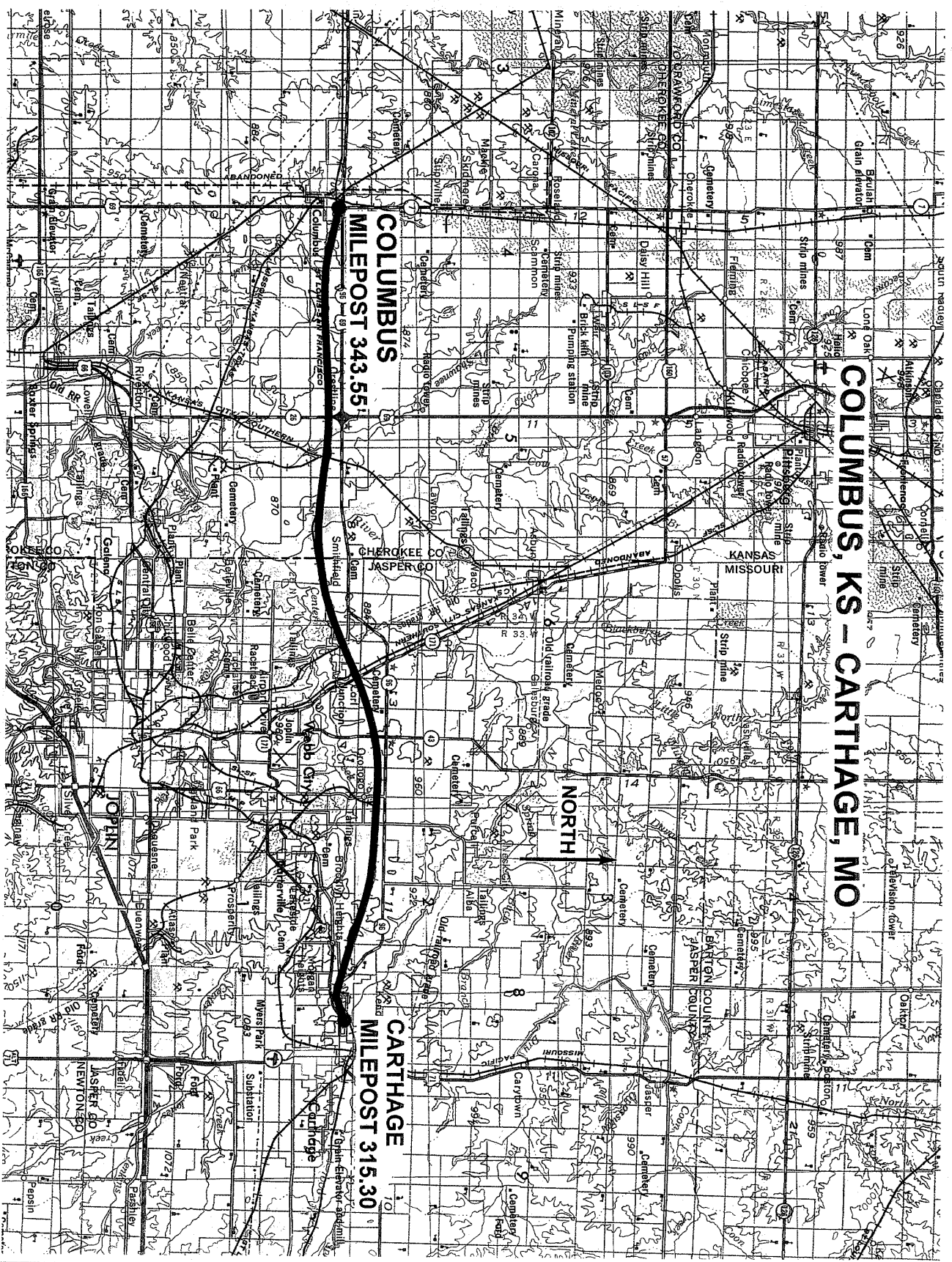
Thanks,

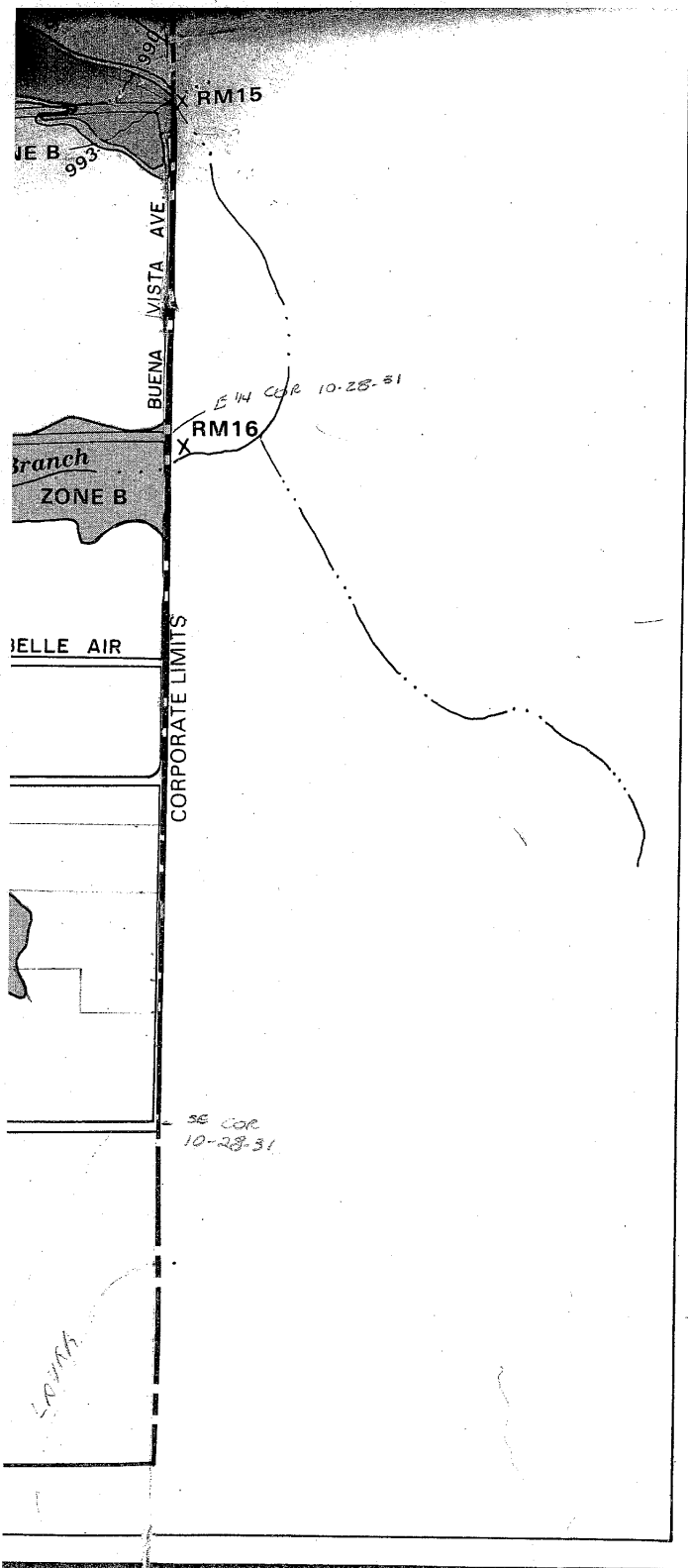


COLUMBUS, KS - CARTHAGE, MO

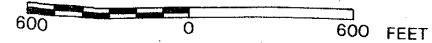
COLUMBUS
MILEPOST 343.55

CARTHAGE
MILEPOST 315.30





APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

FIRM FLOOD INSURANCE RATE MAP

**CITY OF
CARTHAGE,
MISSOURI
JASPER COUNTY**

PANEL 1 OF 2

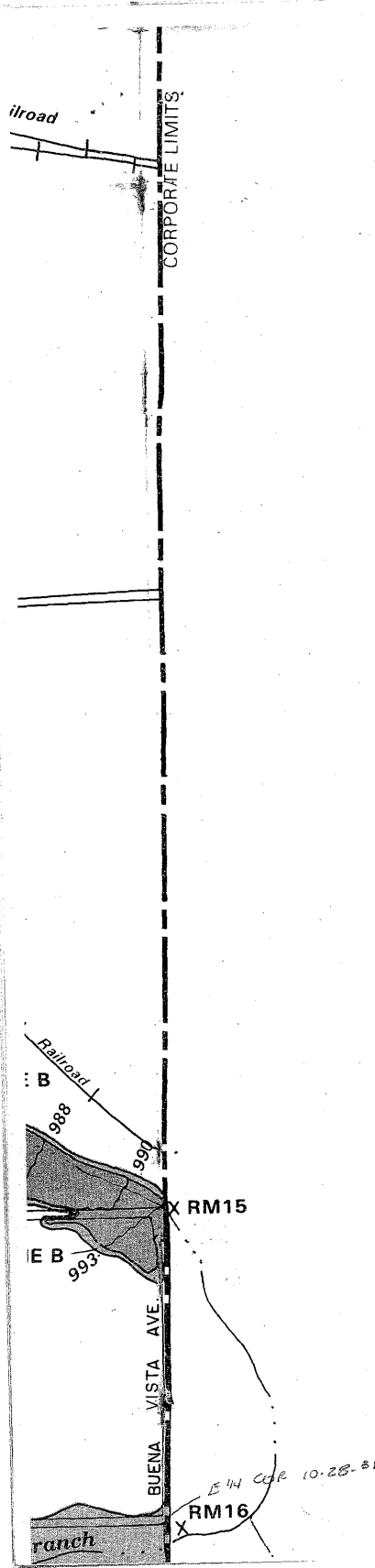
(SEE MAP INDEX FOR PANELS NOT PRINTED)

**COMMUNITY-PANEL NUMBER
290181 0001 B**

**EFFECTIVE DATE:
JUNE 15, 1983**



Federal Emergency Management Agency



action; base flood elevations and flood hazard areas determined.

NOTES TO USER

Certain areas not in the special flood hazard areas (zones A and V) may be protected by flood control structures.
This map is for flood insurance purposes only; it does not necessarily show areas subject to flooding in the community or all planimetric features outside special flood hazard areas.
For adjoining map panels, see separately printed Index To Map Panels.

INITIAL IDENTIFICATION:
MARCH 15, 1974

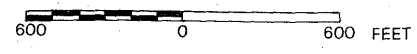
FLOOD HAZARD BOUNDARY MAP REVISIONS:
FEBRUARY 20, 1976


FLOOD INSURANCE RATE MAP EFFECTIVE:
JUNE 15, 1983
FLOOD INSURANCE RATE MAP REVISIONS:


To determine if flood insurance is available in this community, contact your insurance agent, or call the National Flood Insurance Program, at (800) 638-6620.

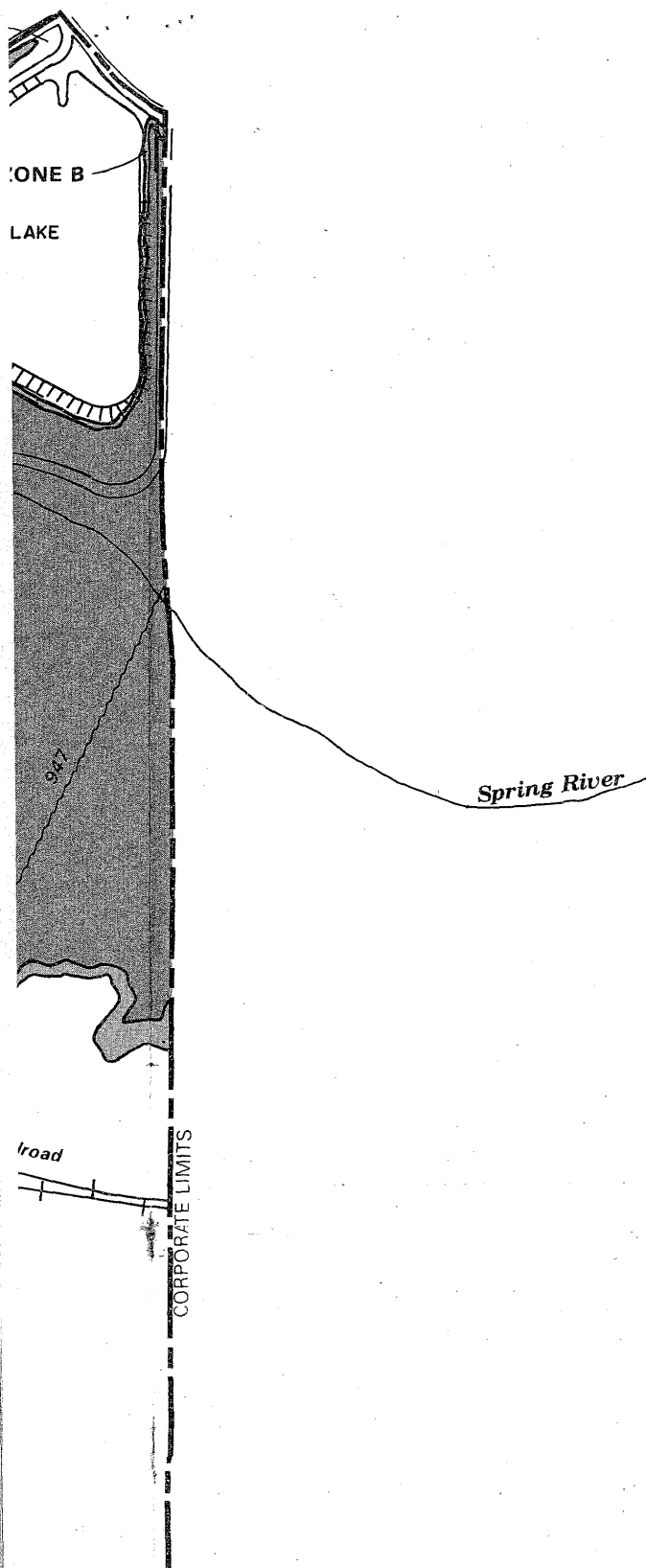


APPROXIMATE SCALE

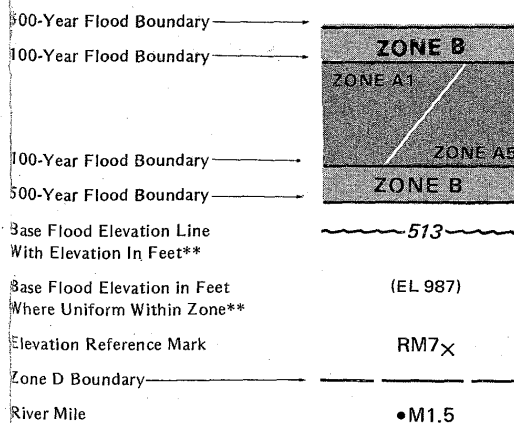


**NATIONAL FLOOD INSURANCE PROGRAM**

**FIDM**



KEY TO MAP



**Referenced to the National Geodetic Vertical Datum of 1929

*EXPLANATION OF ZONE DESIGNATIONS

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

NOTES TO USER

Certain areas not in the special flood hazard areas (zones A and V) may be protected by flood control structures.

This map is for flood insurance purposes only; it does not necessarily show the community or all planimetric features outside special flood hazard areas.

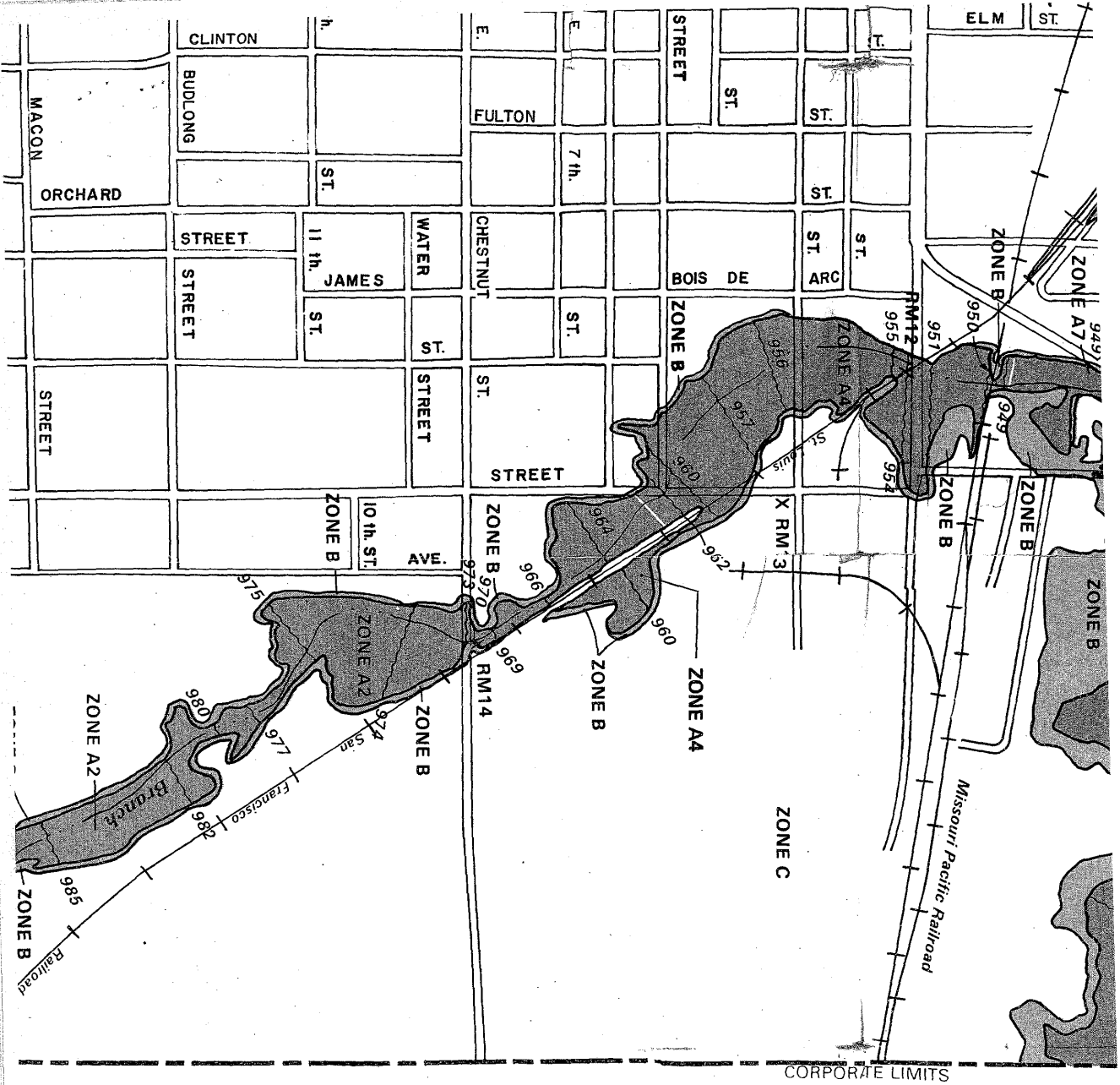
For adjoining map panels, see separately printed Index To Map Panels.

INITIAL IDENTIFICATION:

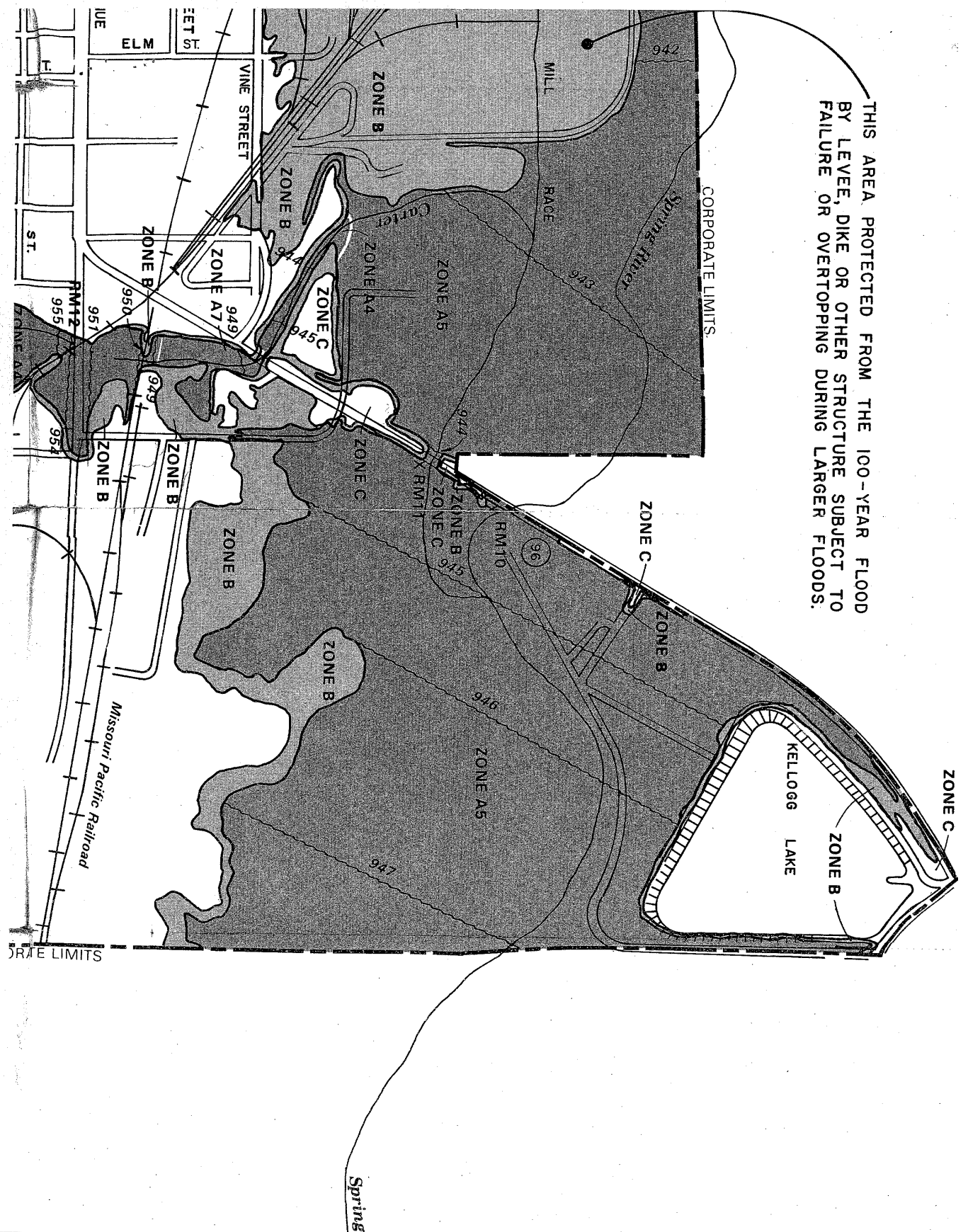
MARCH 15, 1974

FLOOD HAZARD BOUNDARY MAP REVISIONS:

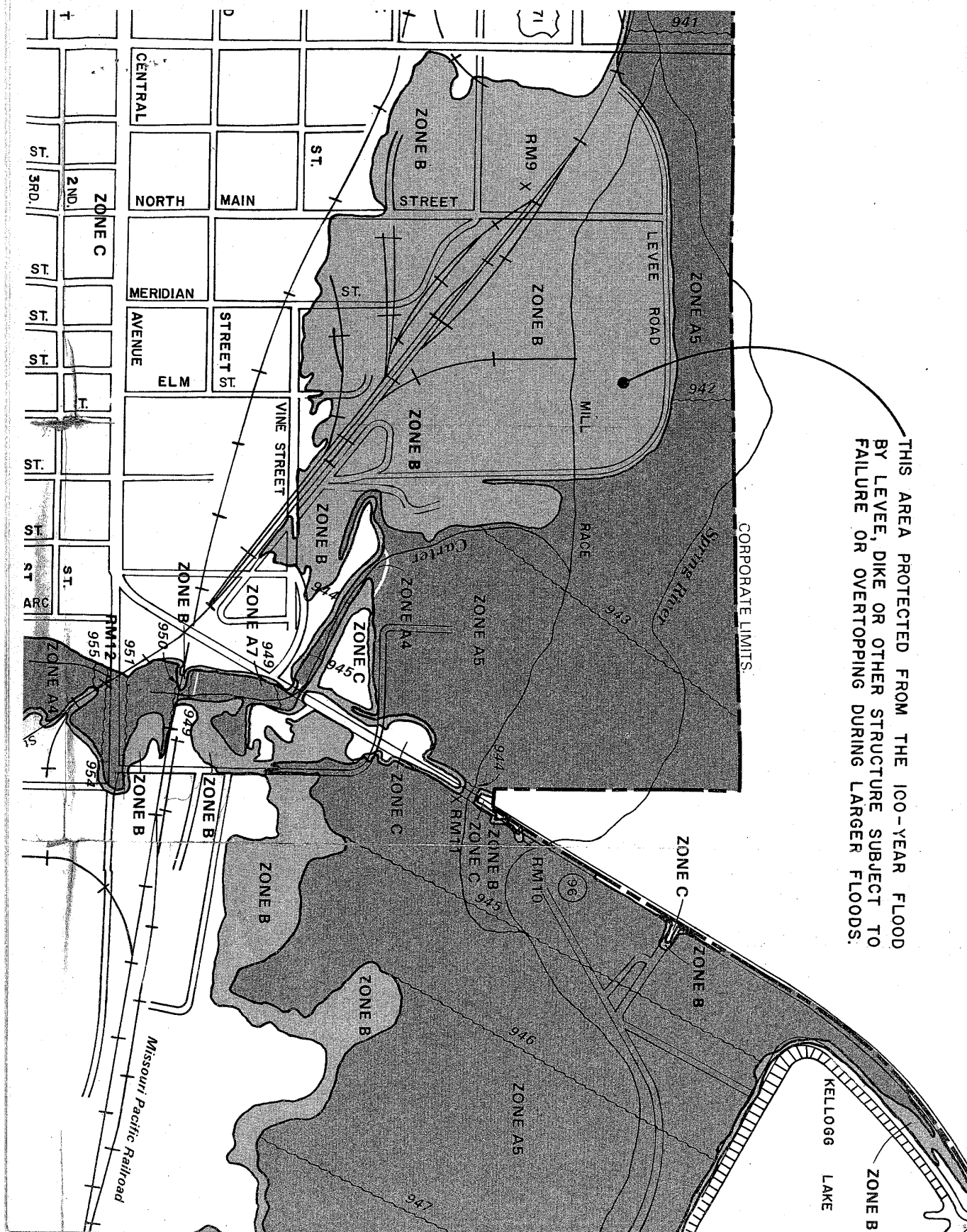
FEBRUARY 20, 1976

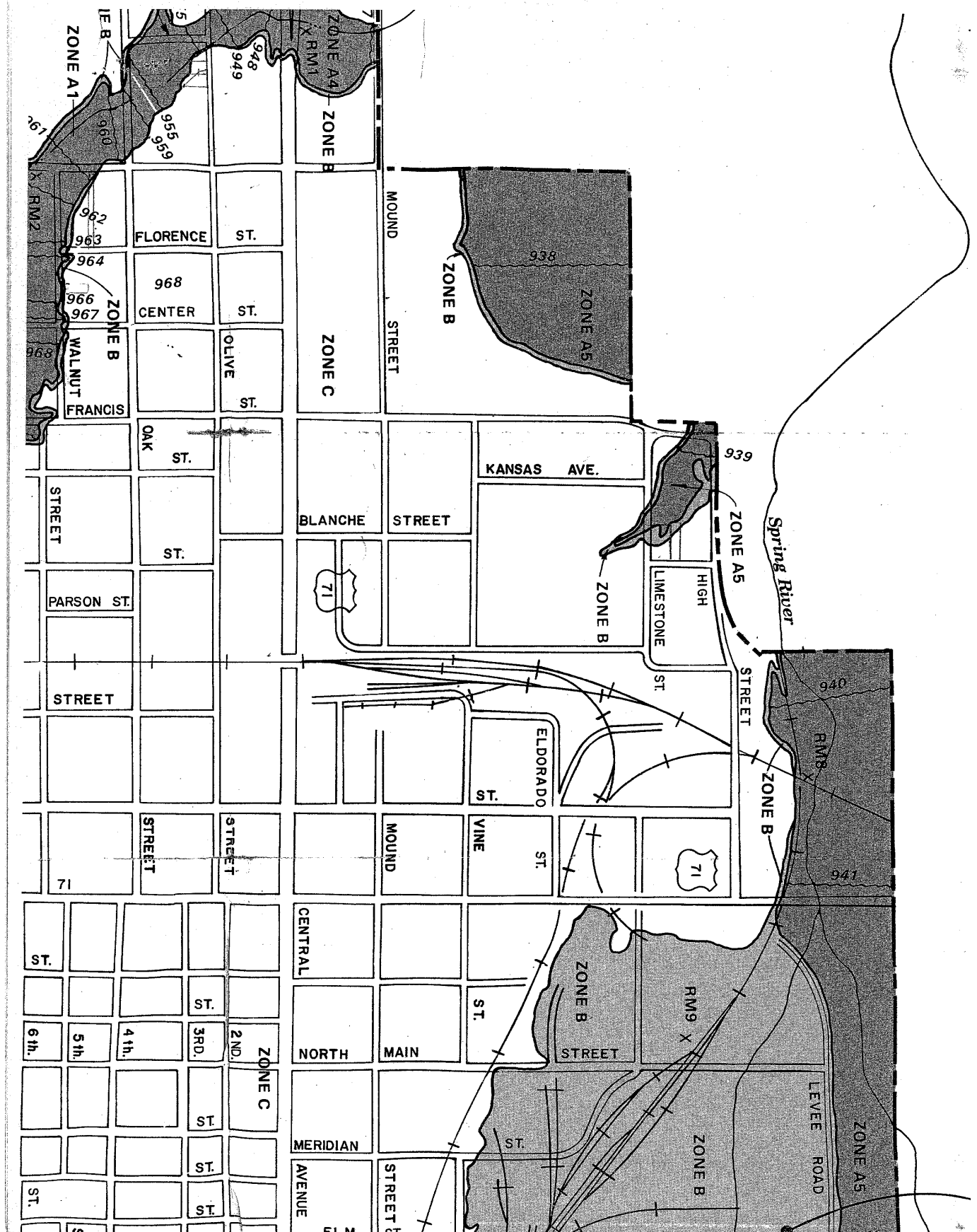


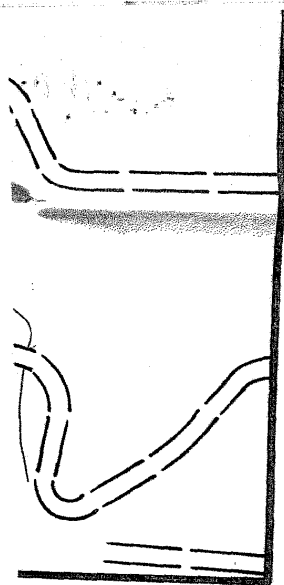
THIS AREA PROTECTED FROM THE 100-YEAR FLOOD
BY LEVEE, DIKE OR OTHER STRUCTURE SUBJECT TO
FAILURE OR OVERTOPPING DURING LARGER FLOODS.



CORPORATE LIMITS.







916
ZONE
C
919

921

APPROXIMATE SCALE
1000 0 1000 FEET

City of Carterville
AREA NOT INCLUDED

71 over Center

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

**JASPER COUNTY,
MISSOURI**
(UNINCORPORATED AREAS)

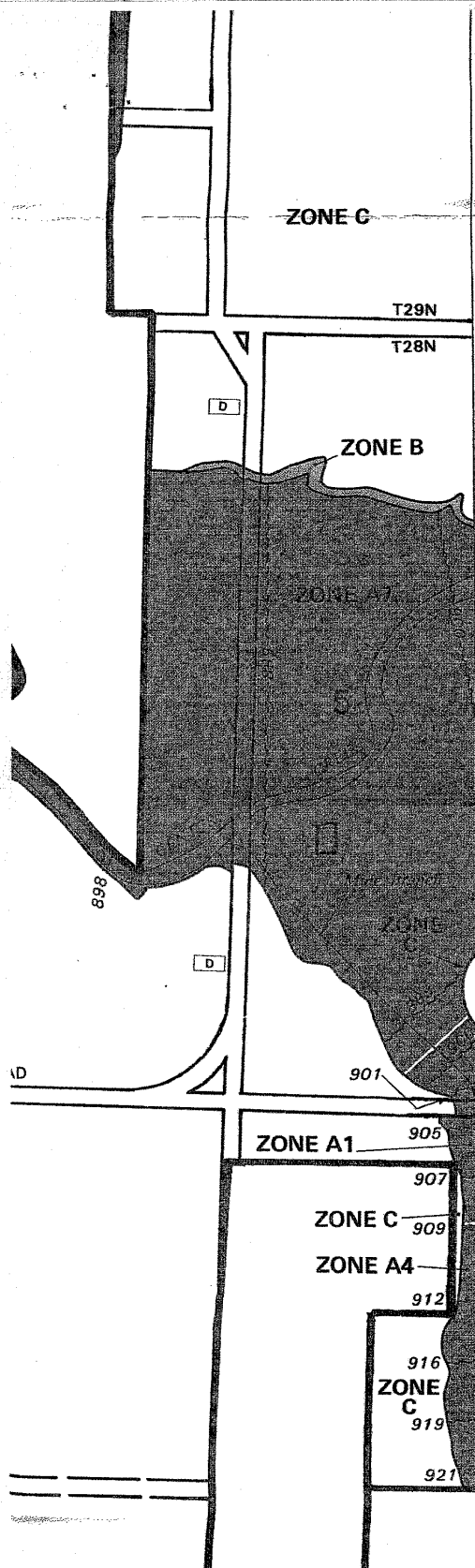
PANEL 95 OF 220

COMMUNITY-PANEL NUMBER
290807 0095 B

EFFECTIVE DATE:
APRIL 17, 1985



Federal Emergency Management Agency



V1-V30 Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

NOTES TO USER

Certain areas not in the special flood hazard areas (zones A and V) may be protected by flood control structures.

This map is for flood insurance purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

For adjoining map panels, see separately printed Map Index.

INITIAL IDENTIFICATION:

SEPTEMBER 15, 1983

FLOOD HAZARD BOUNDARY MAP REVISIONS:

FLOOD INSURANCE RATE MAP EFFECTIVE:

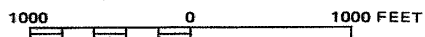
APRIL 17, 1985

FLOOD INSURANCE RATE MAP REVISIONS:

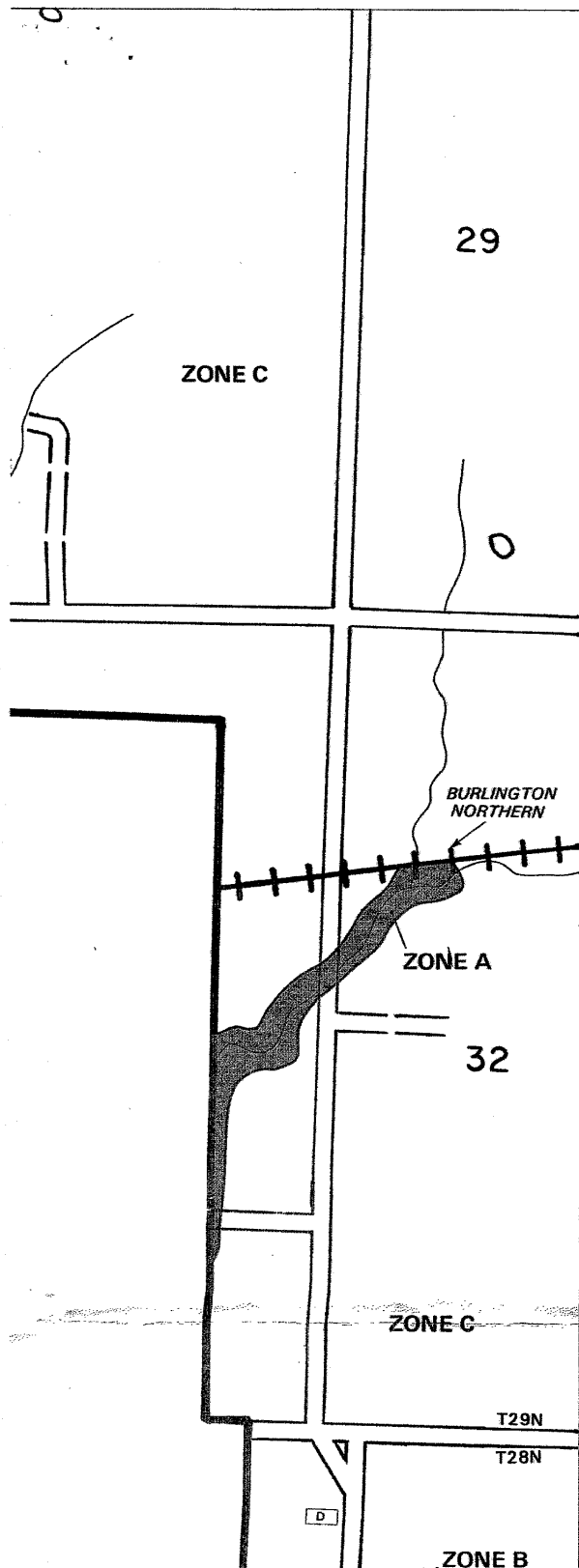
To determine if flood insurance is available in this community, contact your insurance agent, or call the National Flood Insurance Program, at (800) 638-6620.



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM



KEY TO MAP

500-Year Flood Boundary	—————
100-Year Flood Boundary	—————
Zone Designations*	
100-Year Flood Boundary	—————
500-Year Flood Boundary	—————
Base Flood Elevation Line With Elevation In Feet**	~~~~~513~~~~~
Base Flood Elevation in Feet Where Uniform Within Zone**	(EL 987)
Elevation Reference Mark	RM7X
Zone D Boundary	—————
River Mile	•M1.5

**Referenced to the National Geodetic Vertical Datum of 1929

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ZONE	EXPLANATION
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NOTES TO USER

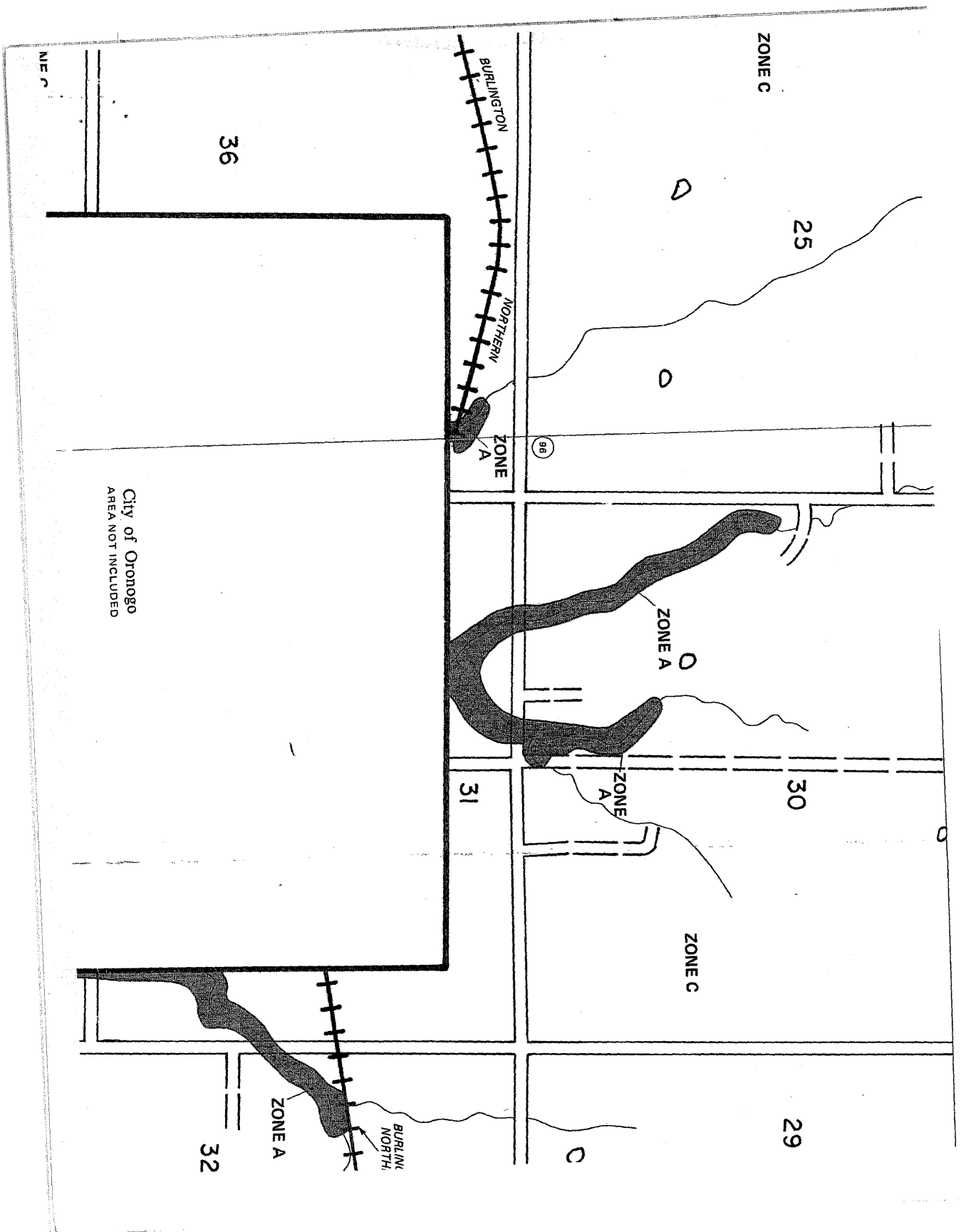
Certain areas not in the special flood hazard areas (zones A and V) may be protected by flood control structures.

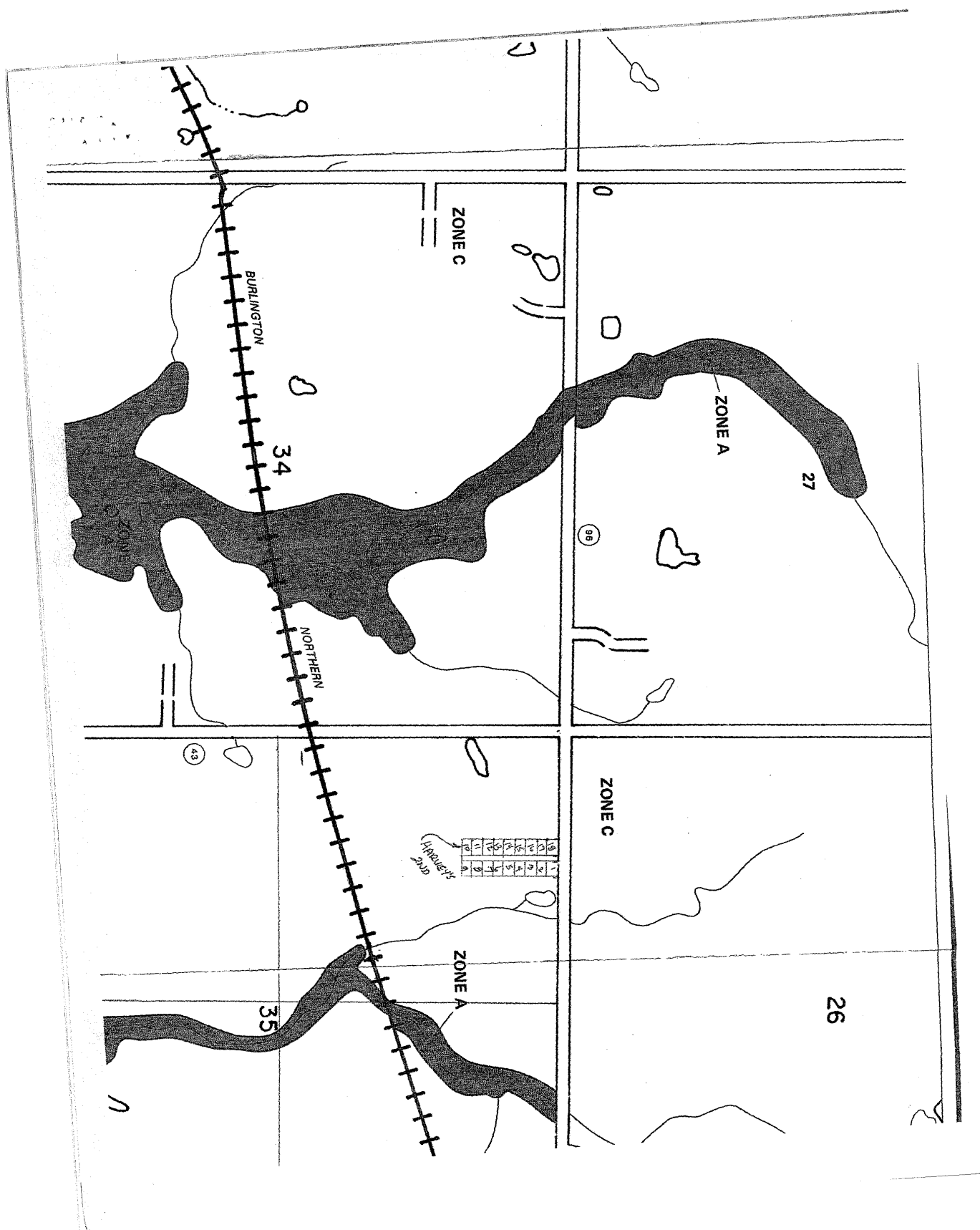
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For adjoining map panels, see separately printed Map Index.

INITIAL IDENTIFICATION:

SEPTEMBER 15, 1983





APPROXIMATE SCALE

1000 0 1000 FEET

City of Carl Junction
AREA NOT INCLUDED

BURLINGTON NORTHERN

0

ZONE C 21

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

JASPER COUNTY,
MISSOURI
(UNINCORPORATED AREAS)

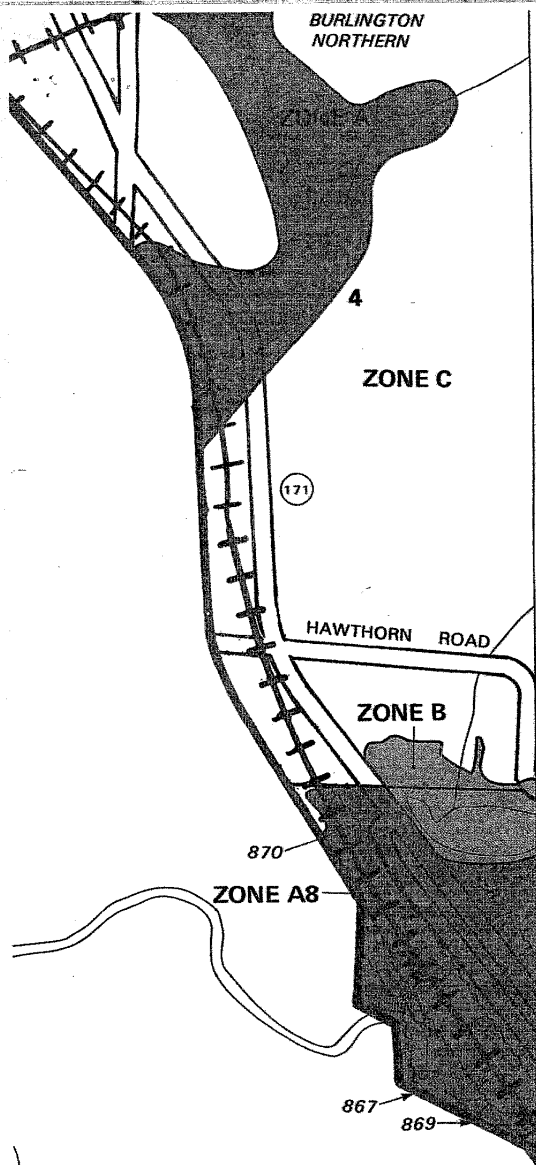
PANEL 90 OF 220

COMMUNITY-PANEL NUMBER
290807 0090 B

EFFECTIVE DATE:
APRIL 17, 1985



Federal Emergency Management Agency



all planimetric features outside special flood hazard areas.
For adjoining map panels, see separately printed Map Index.

INITIAL IDENTIFICATION:

SEPTEMBER 15, 1983

FLOOD HAZARD BOUNDARY MAP REVISIONS:

FLOOD INSURANCE RATE MAP EFFECTIVE:

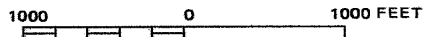
APRIL 17, 1985

FLOOD INSURANCE RATE MAP REVISIONS:

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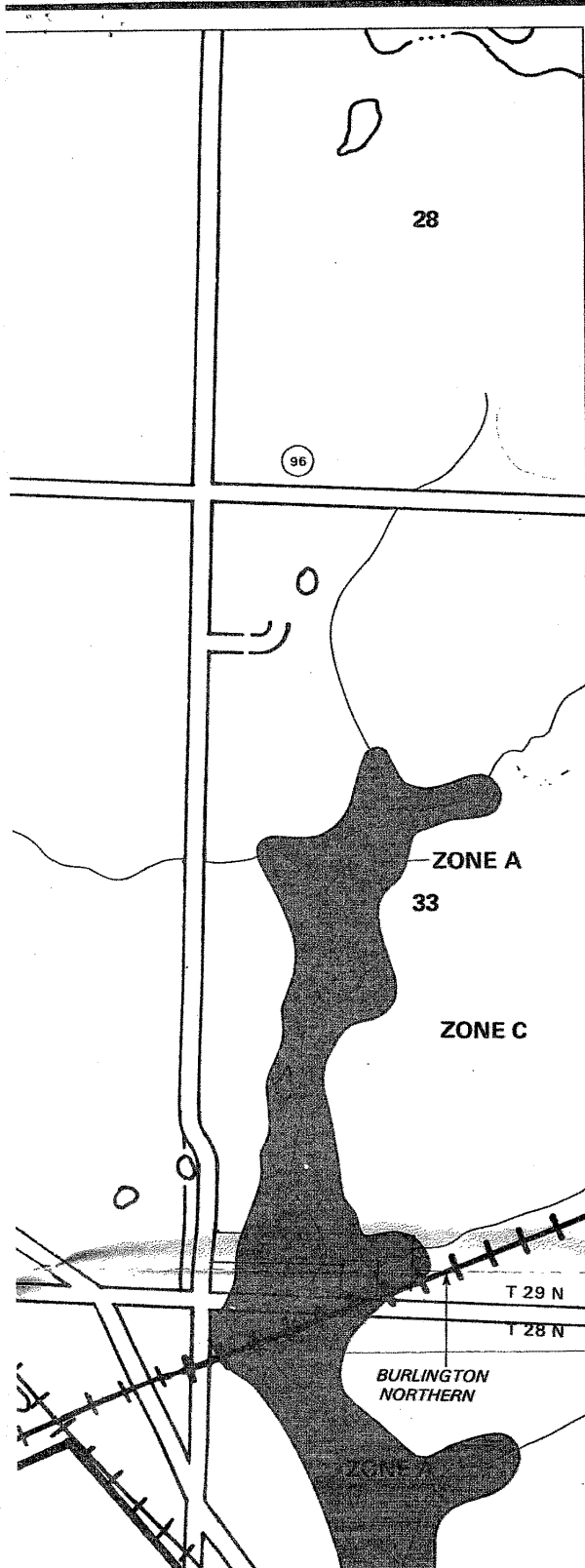


APPROXIMATE SCALE

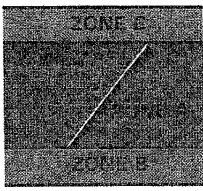


NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP



KEY TO MAP

500-Year Flood Boundary	—————
100-Year Flood Boundary	—————
Zone Designations*	
100-Year Flood Boundary	—————
500-Year Flood Boundary	—————
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Elevation Reference Mark	RM7X
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**Referenced to the National Geodetic Vertical Datum of 1929

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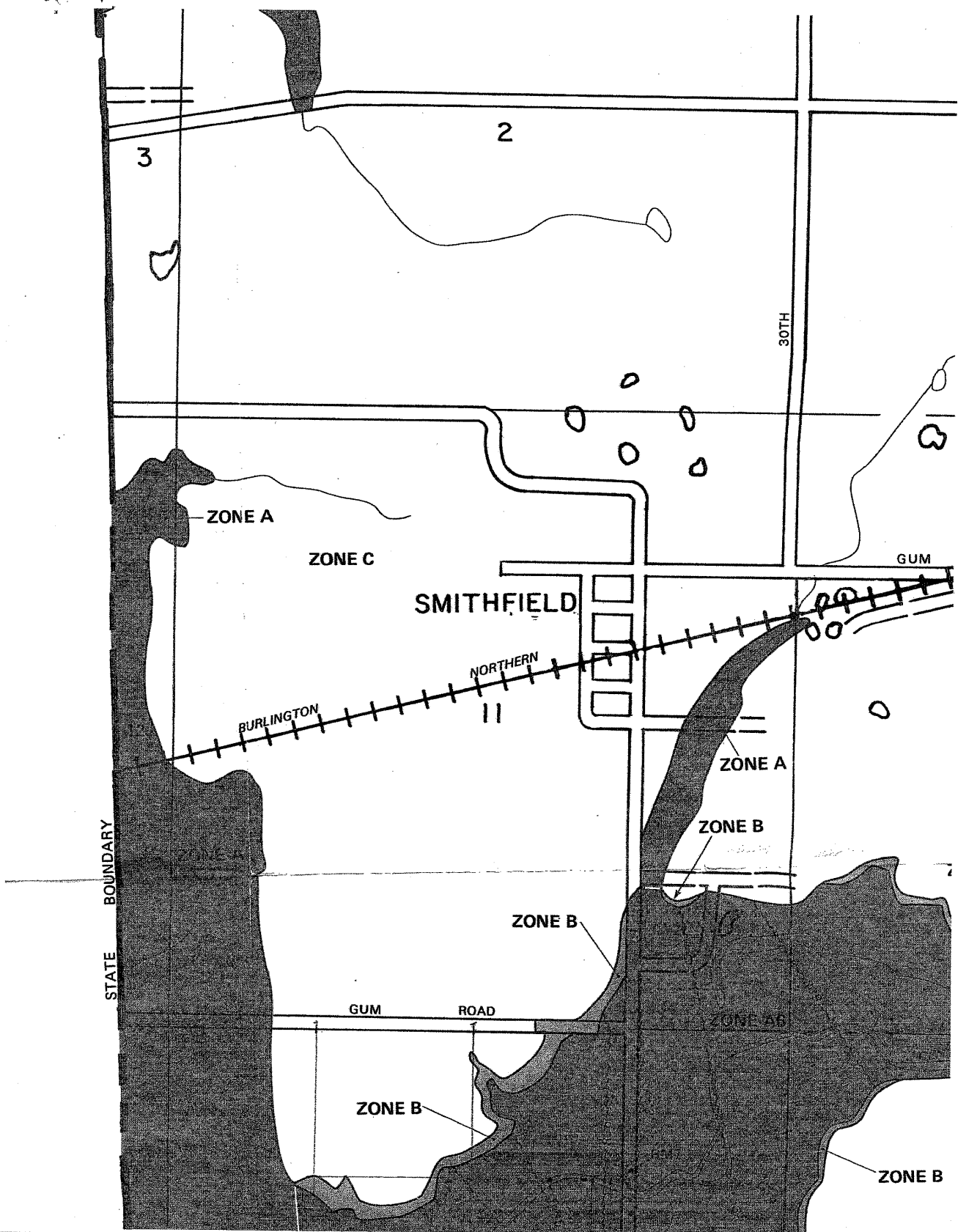
NOTES TO USER

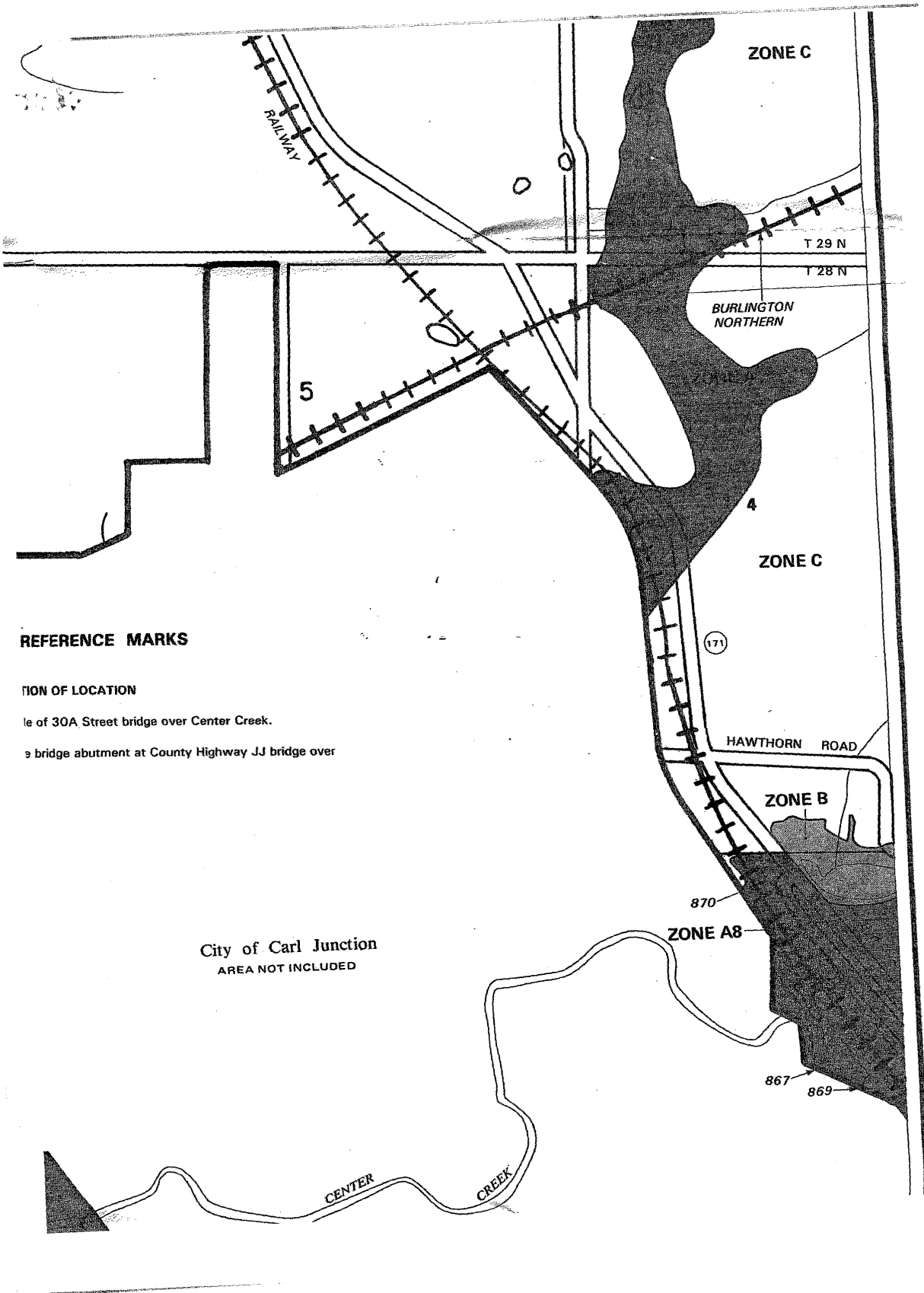
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For adjoining map panels, see separately printed Map Index.

INITIAL IDENTIFICATION:







DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
STATE REGULATORY PROGRAM OFFICE - KANSAS
2710 N.E. SHADY CREEK ACCESS ROAD
EL DORADO, KANSAS 67042

REPLY TO
ATTENTION OF:

June 6, 2001

Kansas State Regulatory Office
(200101360)
(Cherokee, KS, NPR)

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

This is in response to your letter received on May 23, 2001 requesting a Department of the Army (DA) permit determination concerning the abandonment of approximately 28 miles of railroad between Columbus, Kansas and Carthage, Missouri.

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 USC 1344). The implementing regulation for this Act is found at 33 CFR 320-330.

We have reviewed the information furnished and have determined that the proposed activity will not involve the discharge of dredged or fill material in waters of the United States. Therefore, Department of the Army permit authorization is not required. Other Federal, state and/or local permits may be required, however, and you should verify this yourself.

Ms. Shannon J. Warner, Regulatory Specialist, reviewed the information furnished and made this determination. If you have any questions concerning this matter, please feel free to contact Ms. Warner at 316-322-8247 (FAX 316-322-8259).

Copies Furnished:

Environmental Protection Agency,
Water Resources Protection Branch
Kansas Department of Wildlife
and Parks
Kansas Department of Agriculture
Kansas Department of Health and Environment

R



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867

JUN 27 2001

Planning, Environmental and Regulatory Division
Regulatory Branch

FILE NO. 17118

Mr. Brian Nettles
Freeborn and Peters, Attorneys at Law
311 South Wacker Drive
Suite 300
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

Please refer to your request dated May 18, 2001, concerning Department of the Army permit requirements pursuant to Section 404 of the Clean Water Act regarding the proposed abandonment of the Burlington Northern and Santa Fe Railway railroad line between Columbus, Kansas and Carthage, Missouri. The regulatory jurisdiction of the Little Rock District, U.S. Army Corps of Engineers stops at the Kansas/Missouri state line. The Kansas City District of the Corps of Engineers should be contacted concerning the section of the railroad lying west of the Kansas/Missouri state line. Their address is:

U.S. Army Engineer District, Kansas City
700 Federal Building, 601 East 12th Street
Kansas City, MO 64106-2896

Little Rock District, Corps of Engineers personnel have reviewed your request and found no wetland areas or other waters of the United States will be affected by the proposed action in the area under our jurisdiction. Therefore, the abandonment of the section of the Burlington Northern and Santa Fe Railway line between the Kansas/Missouri state border and Carthage, Missouri as proposed, will not require a Section 404 Department of the Army permit.

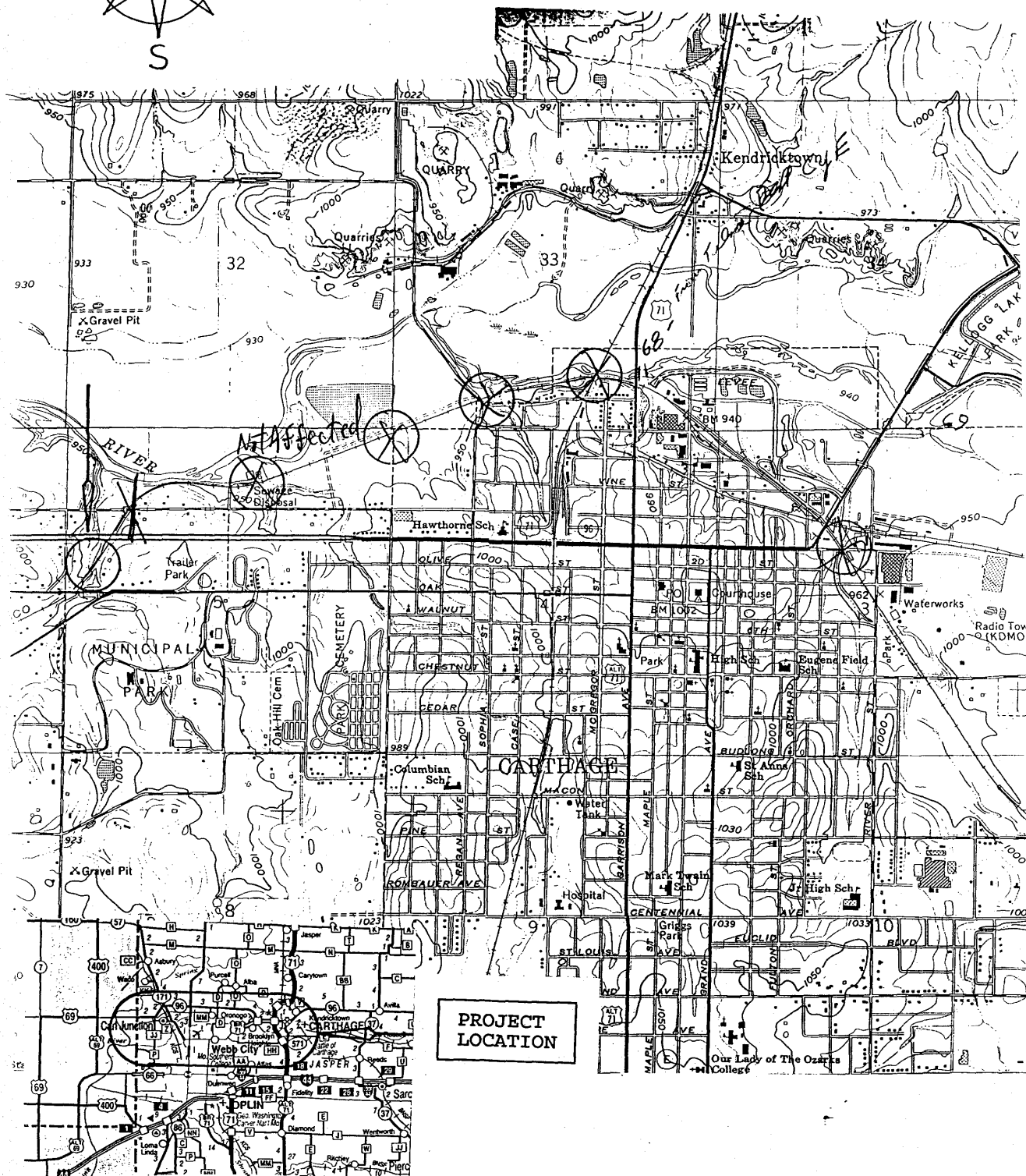
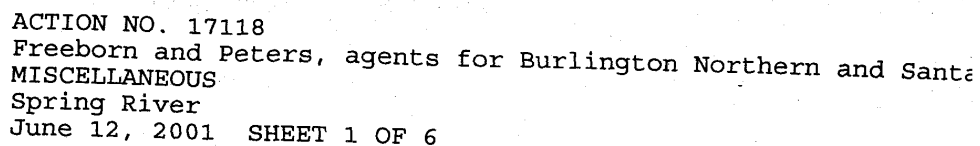
Your cooperation in the Corps of Engineers regulatory program is appreciated. If you have any questions, please contact me at (501) 324-5295.

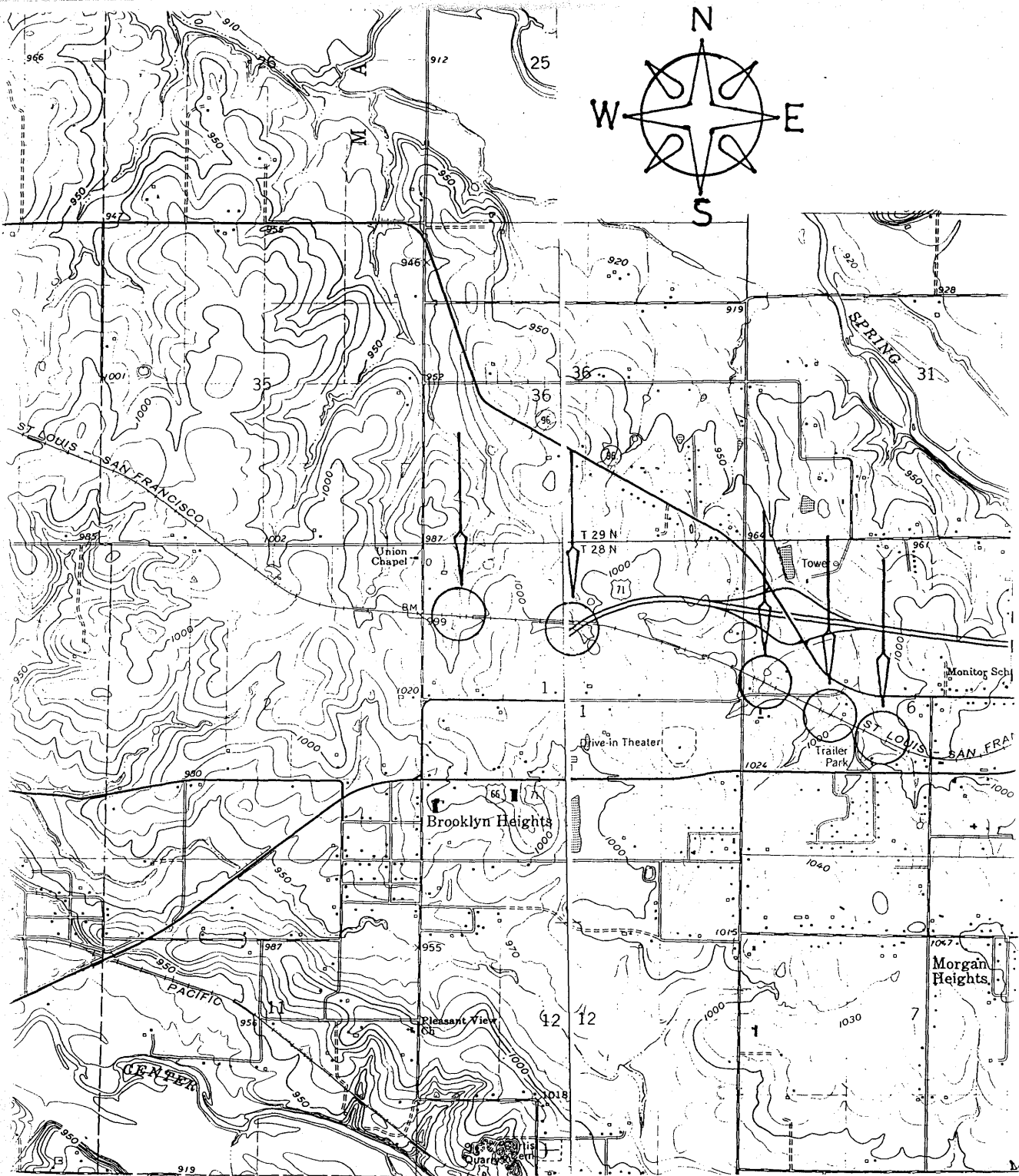
Sincerely,


Clyde P. Gates
Project Manager

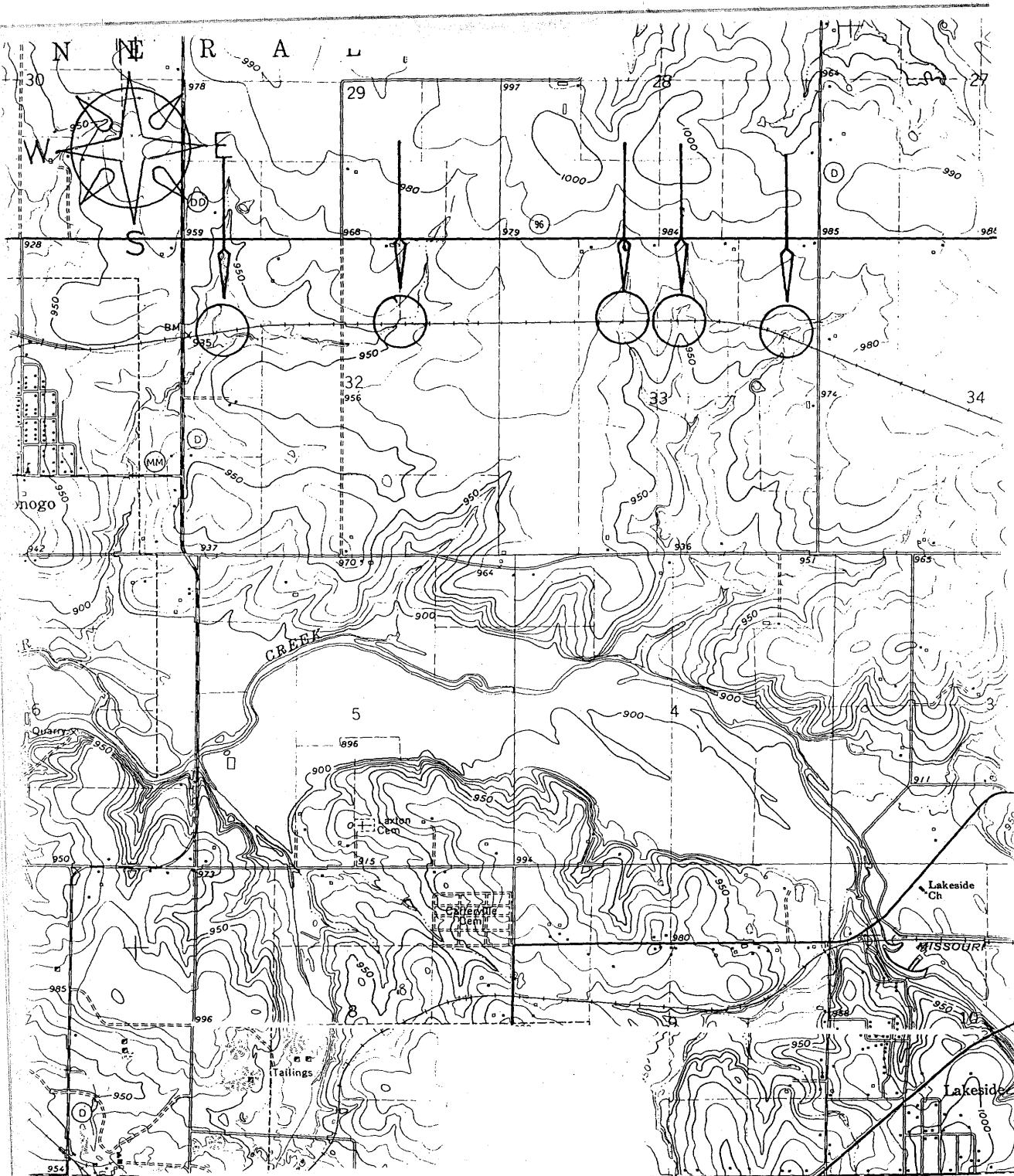
Enclosure

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

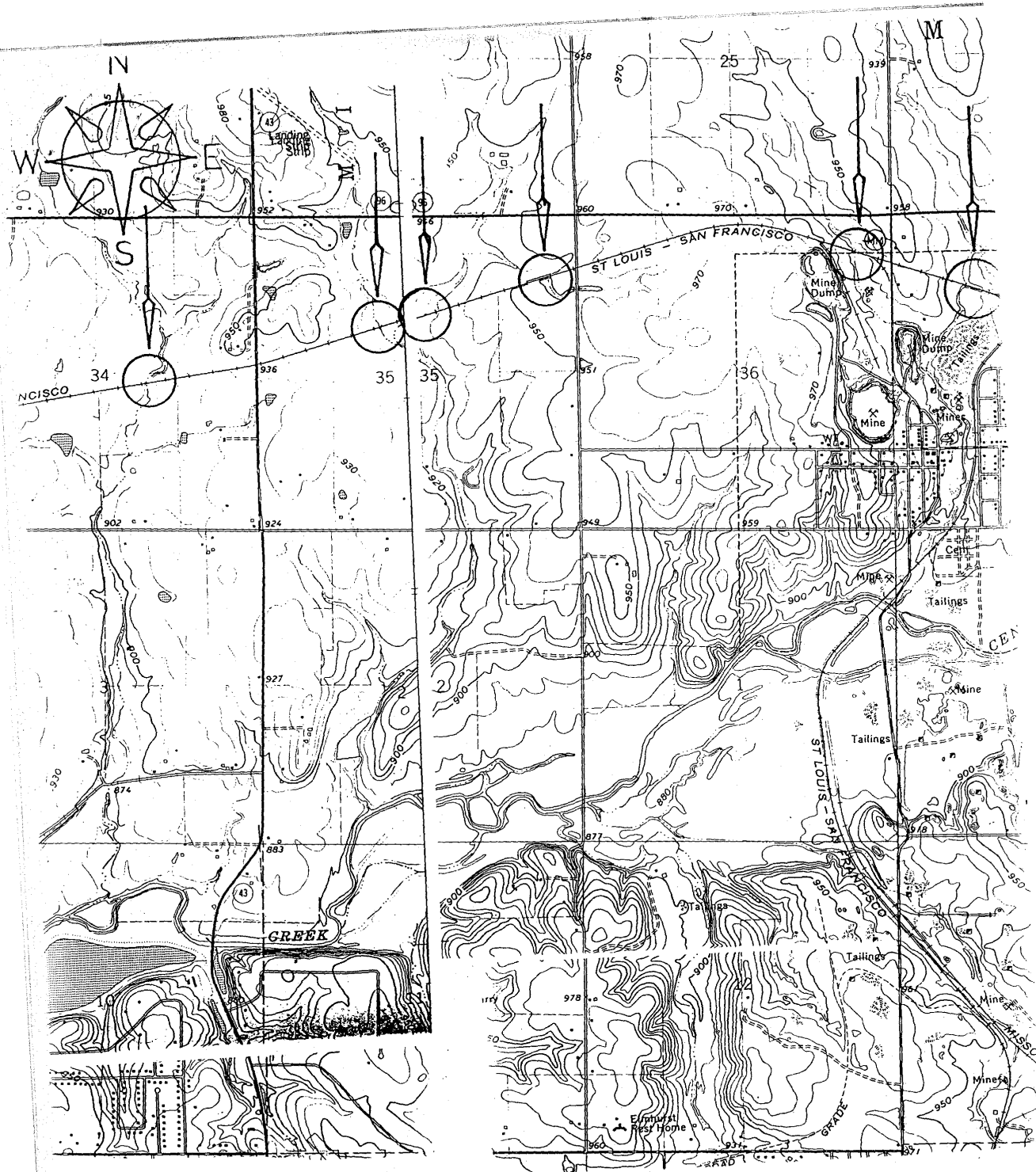




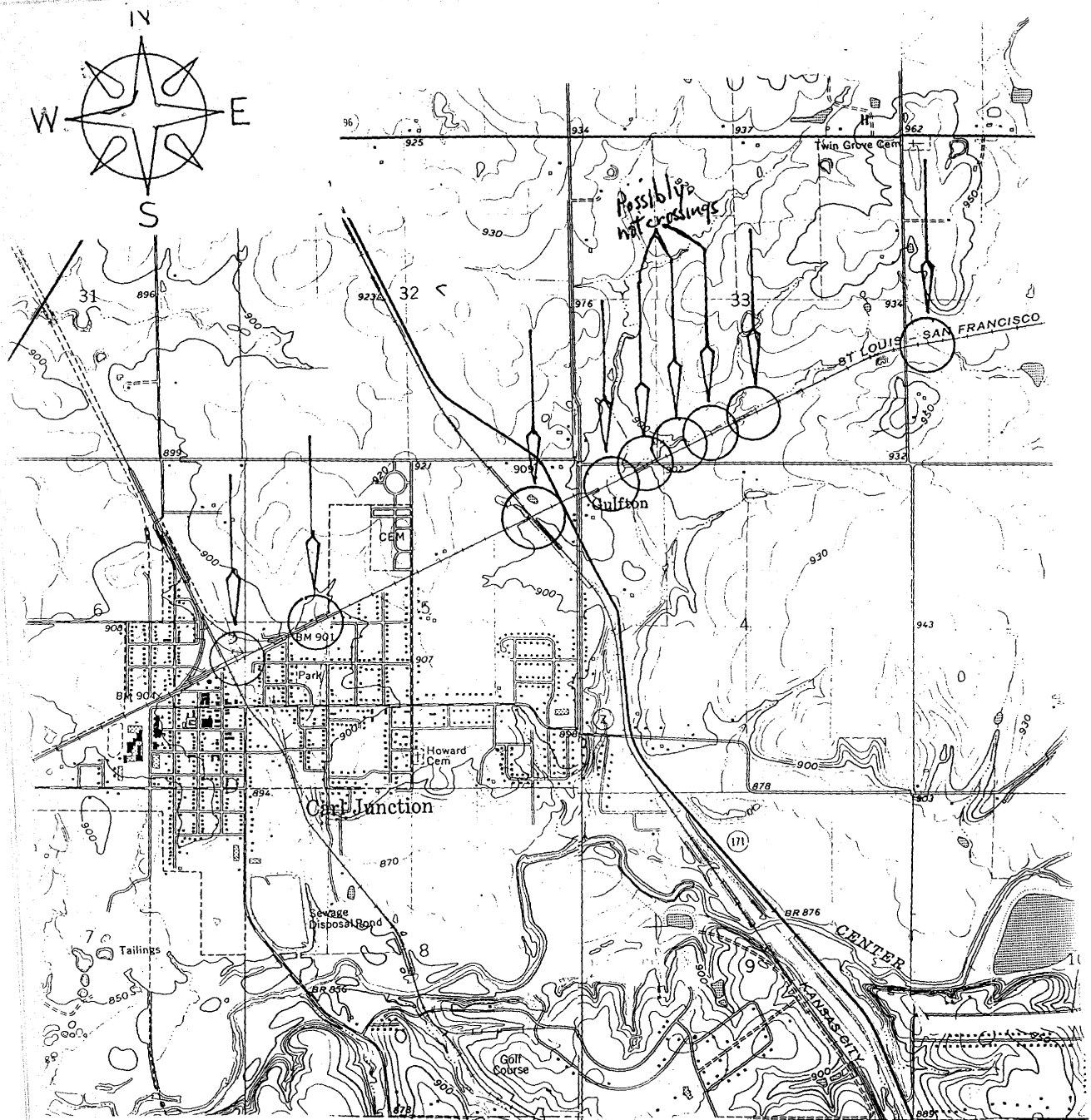
ACTION NO. 17118
Freeborn and Peters, agents for Burlington Northern and Santa
MISCELLANEOUS
Spring River
June 12, 2001 SHEET 2 OF 6



ACTION NO. 17118
Freeborn and Peters, agents for Burlington Northern and Santa
MISCELLANEOUS
Spring River
June 12, 2001 SHEET 3 OF 6



ACTION NO. 17118
 Freeborn and Peters, agents for Burlington Northern and Santa
 MISCELLANEOUS
 Spring River
 June 12, 2001 SHEET 4 OF 6



ACTION NO. 17118
 Freeborn and Peters, agents for Burlington Northern and Santa
 MISCELLANEOUS
 Spring River
 June 12, 2001 SHEET 5 OF 6

S

Mar. 19. 2002 0: 9:39AM Ma BNSF LAW DEPT

620 429 No. 6362 P. 2/3 P.01

Cherokee County Kansas
Office of
County Engineer

110 W. Maple St.
Columbus, KS 66725

Phone (620) 429-2102
FAX (620) 429-1591
E-mail: ckeng@columbus-ks.com

Date: 3/7/02

To: Rich Pettie

Fax 317-352-7432

From: Fred Graham

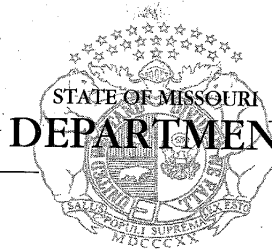
Box 14 - Columbus, KS 66725

Number of pages being sent (including this cover page) _____

Comments: please find letter as sent to
Frederick Peters this PM

CAUTION: The information contained in this facsimile message is confidential and intended solely for the use of the individual, or entity named above.

Please call if you do not receive all the pages, or if any pages are not legible



DEPARTMENT OF NATURAL RESOURCES

Bob Holden, Governor • Stephen M. Mahfood, Director

DIVISION OF ENVIRONMENTAL QUALITY
P.O. Box 176 Jefferson City, MO 65102-0176

June 8, 2001

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

Dear Mr. Nettles:

Thank you for your letter dated May 18, 2001, regarding the potential railroad abandonment in southwest Missouri. It appears that you will not need a section 401 Water Quality Certification from the state. These certifications are applicable only when fill material is deposited into a jurisdictional water. If the project will involve the discharge of wastewater, including the discharge of stormwater from construction areas, a section 402 permit is required. In general, this permit is required if the disturbed area is five acres or greater. In order to protect water quality near your project, we make the following suggestions:

1. Care should be taken to keep machinery out of the waterway as much as possible.
2. Fuel, oil, other petroleum products, equipment and any solid waste should not be stored below the ordinary high water mark at any time or in the adjacent floodway beyond normal working hours.
3. Petroleum products spilled into any waterbody or on the banks where the material may enter waters of the state should be immediately cleaned up and disposed of properly.
4. Clearing of vegetation/trees should be the minimum necessary to accomplish the activity.
5. Best management practices should be used during all phases of the proposed project to limit the amount of erosion and deposition of sediment in waters of the state.

Thank you for notifying us of your proposed project in advance. If you have any questions, please call Scott Hamilton of the Planning Section at (573) 522-2741.

Sincerely,

WATER POLLUTION CONTROL PROGRAM

Scott B. Totten
Interim Director

SBT:shd

c: Tom Lange, Office of Director, DNR
Doug Eiken, Division of State Parks, DNR



U

Carthage Subdivision

Carthage, MO (M.P. 315.30) to Columbus, KS (M.P. 343.55)

Abandonment Documentation

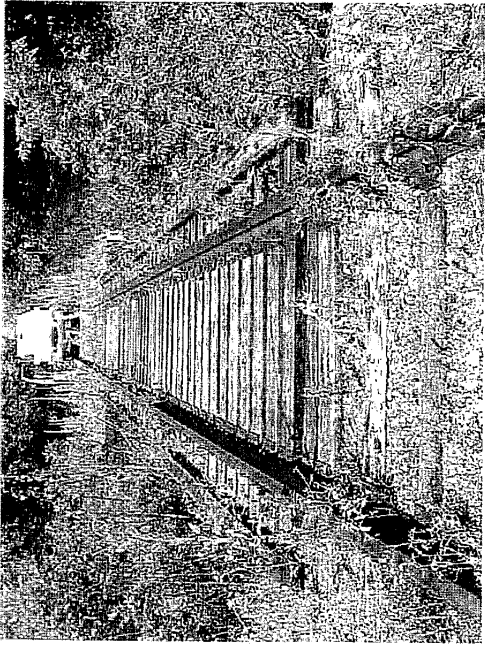
Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

List of Included Bridges:

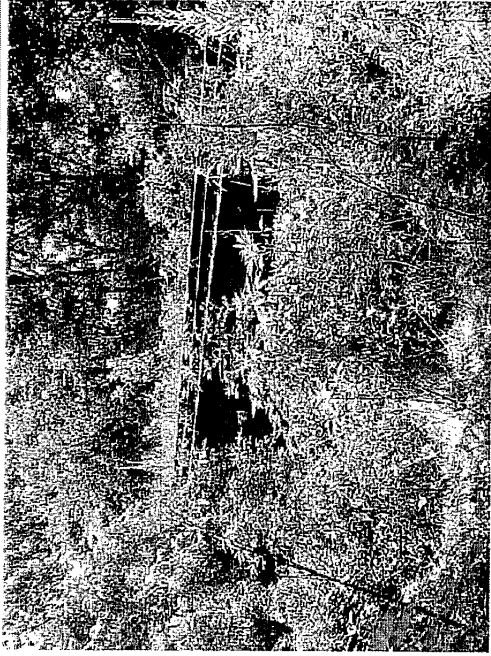
Bridge: 324.3	Built: 1926	Length: 41'	Height: 7'	Type: Open Deck Pile Trestle	Feature Intersected: drainage
Bridge: 324.4	Built: 1926	Length: 27'	Height: 6'	Type: Open Deck Pile Trestle	Feature Intersected: drainage
Bridge: 325.3	Built: 1951	Length: 34'	Height: 14'	Type: Deck Plate Girder	Feature Intersected: drainage
Bridge: 331.7	Built: 1926	Length: 95'	Height: 14'	Type: Open Deck Pile Trestle	Feature Intersected: Spring River Overflow
Bridge: 331.8	Built: 1927	Length: 95'	Height: 16'	Type: Open Deck Pile Trestle	Feature Intersected: Spring River Overflow
Bridge: 331.9	Built: 1926	Length: 162'	Height: 15'	Type: Open Deck Pile Trestle	Feature Intersected: Spring River Overflow
Bridge: 332.0	Built: 1928	Length: 162'	Height: 13'	Type: Open Deck Pile Trestle	Feature Intersected: Spring River Overflow
Bridge: 332.1	Built: 1926	Length: 278'	Height: 19'	Type: Open Deck Pile Trestle	Feature Intersected: Spring River Overflow
	Built: 1913	Length: 214'	Height: 38'	Type: Pony Riveted Truss	Feature Intersected: Spring River
Bridge: 332.2	Built: 1926	Length: 120'	Height: 16'	Type: Open Deck Pile Trestle	Feature Intersected: Spring River Overflow
Bridge: 332.3	Built: unknown	Length: 110'	Height: 17'	Type: Open Deck Frame Trestle	Feature Intersected: Spring River Overflow
Bridge: 332.8	Built: unknown	Length: 29'	Height: 12'	Type: Open Deck Frame Trestle	Feature Intersected: drainage
Bridge: 334.0	Built: unknown	Length: 15'	Height: 5'	Type: Open Deck Frame Trestle	Feature Intersected: drainage
Bridge: 334.4	Built: unknown	Length: 30'	Height: 9'	Type: Open Deck Frame Trestle	Feature Intersected: drainage
Bridge: 335.4	Built 1923	Length: 130'	Height: 14'	Type: ODPT and DPG	Feature Intersected: Shawnee River
Bridge: 336.4	Built: unknown	Length: 28'	Height: 10'	Type: Open Deck Frame Trestle	Feature Intersected: drainage
Bridge: 336.8	Built: 1927	Length: 52'	Height: 9'	Type: Open Deck Pile Trestle	Feature Intersected: drainage
Bridge: 336.9	Built: 1925	Length: 28'	Height: 8'	Type: Open Deck Pile Trestle	Feature Intersected: drainage
Bridge: 340.6	Built: 1990	Length: 27'	Height: 11'	Type: Open Deck Frame Trestle	Feature Intersected: drainage
Bridge: 342.3	Built: unknown	Length: 42'	Height: 12'	Type: Open Deck Pile Trestle	Feature Intersected: drainage
Bridge: 342.4	Built: unknown	Length: 57'	Height: 16'	Type: Ballast Deck Frame Trestle	Feature Intersected: drainage

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

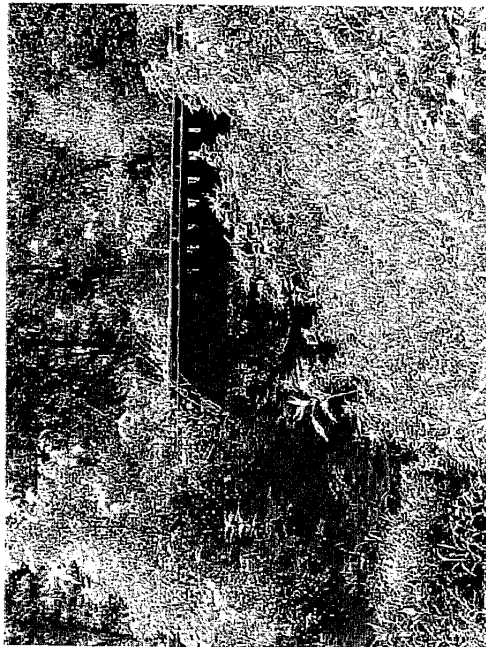
Bridge: 324.3 Built: 1926 Length: 41' Height: 7' Type: Open Deck Pile Trestle Feature Intersected: drainage
 Photos Taken: 07/02/2001 by M.C. Richardson



Rail view facing west.



Side view facing south.



Side view facing south.

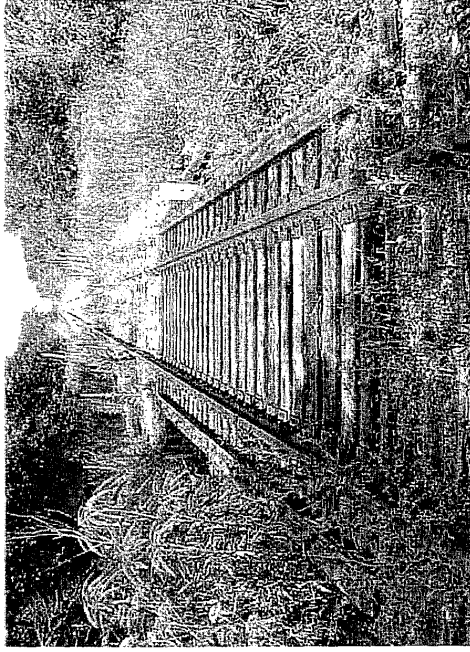


Side view facing south.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

Bridge: 324.4 Built: 1926 Length: 27' Height: 6' Type: Open Deck Pile Trestle Feature Intersected: drainage

Photos Taken: 07/02/2001 by M.C. Richardson



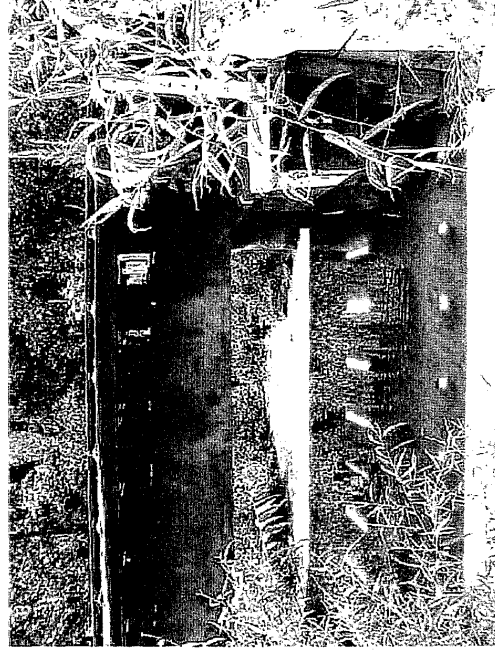
Rail view facing west.



Side view facing south.



Side view facing south.

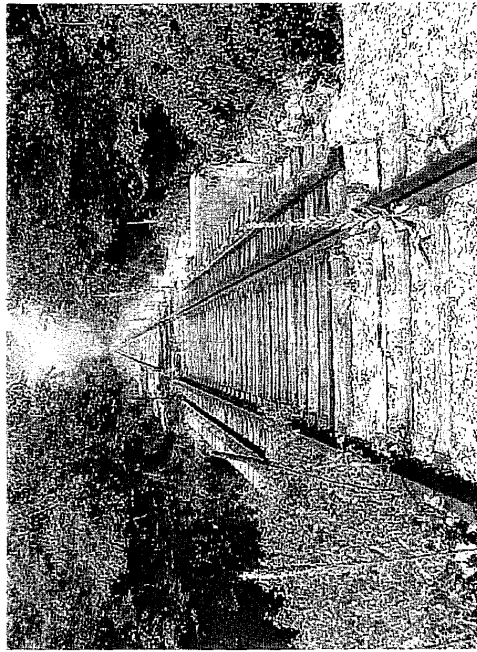


Side view facing south.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

Bridge: 325.3 Built: 1951 Length: 34' Height: 14' Type: Deck Plate Girder Feature Intersected: drainage

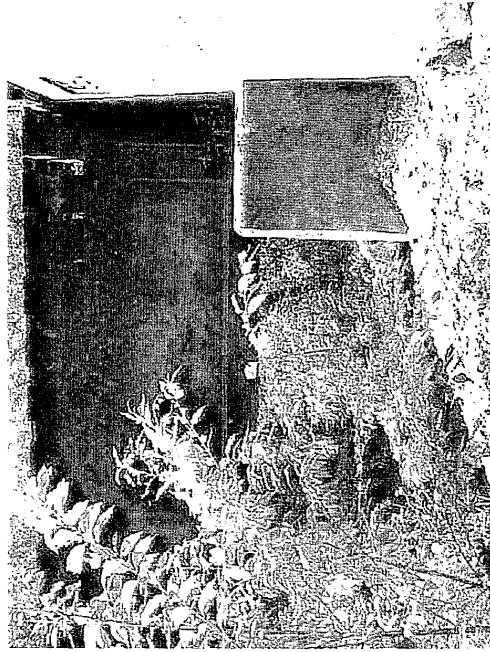
Photos Taken: 07/02/2001 by M.C. Richardson



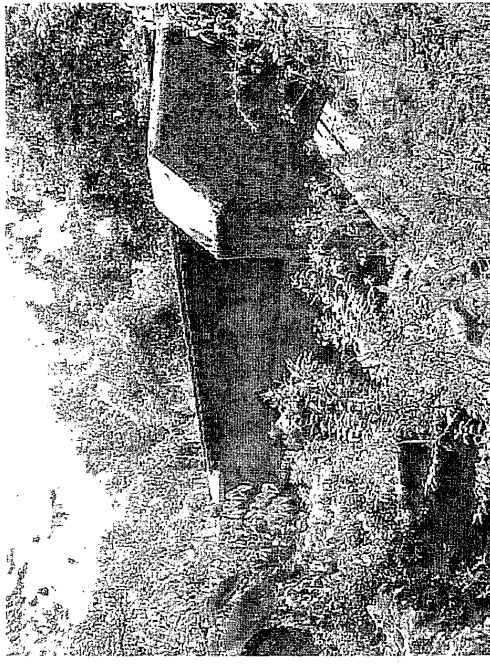
Rail view facing west.



Side view facing south.



Side view facing south: detail at abutment.

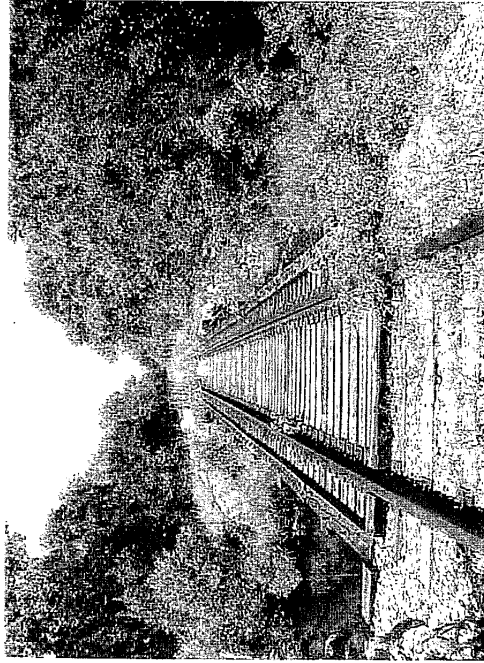


Side view facing south.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

Bridge: 331.7 Built: 1926 Length: 95' Height: 14' Type: Open Deck Pile Trestle Feature Intersected: Spring River Overflow

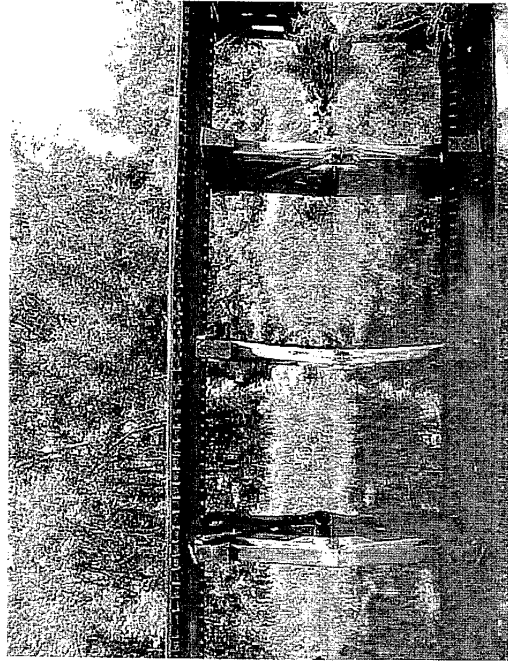
Photos Taken: 07/02/2001 by M.C. Richardson



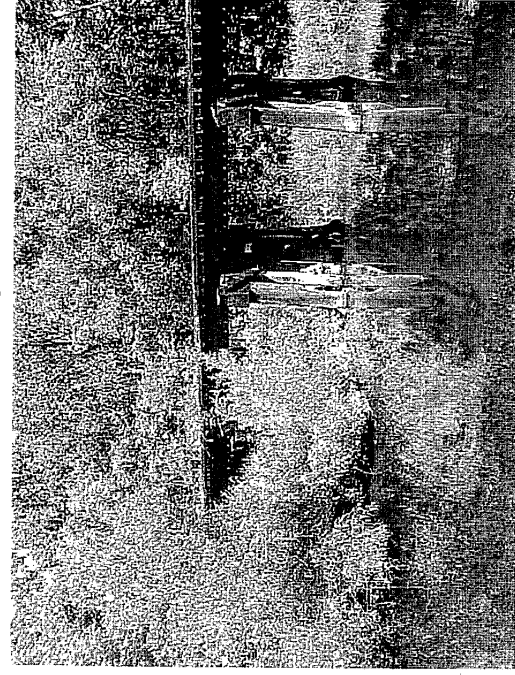
Rail view facing west.



Side view facing north.



Side view facing north.



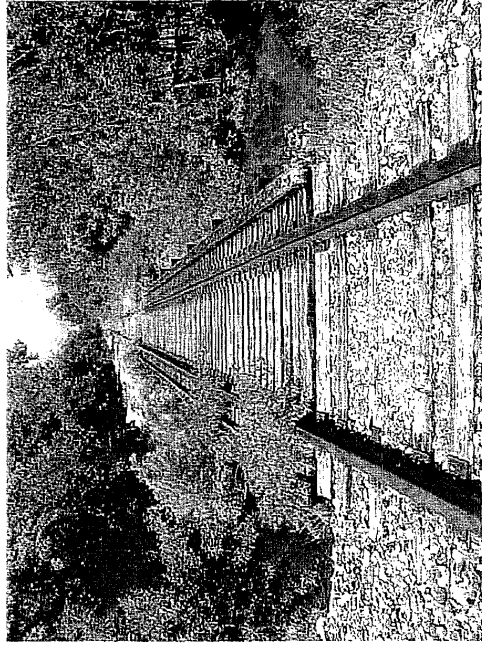
Side view facing north.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

Bridge: 331.8 Built: 1927 Length: 95'
 Photos Taken: 07/02/2001 by M.C. Richardson

Height: 16' Type: Open Deck Pile Trestle

Feature Intersected: Spring River Overflow



Rail view facing west.



Side view facing north.



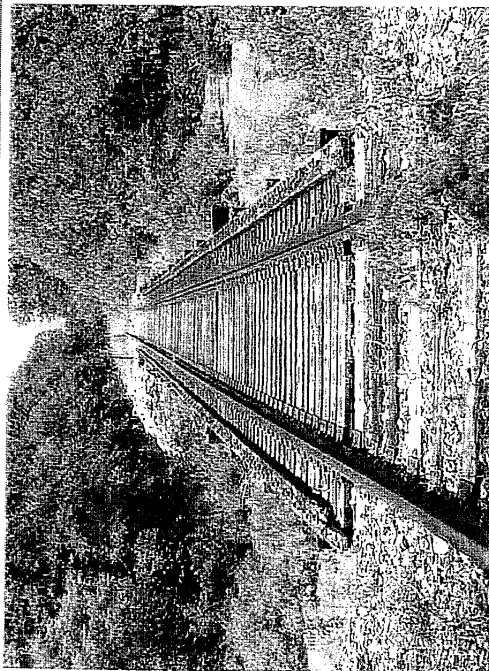
Side view facing north.



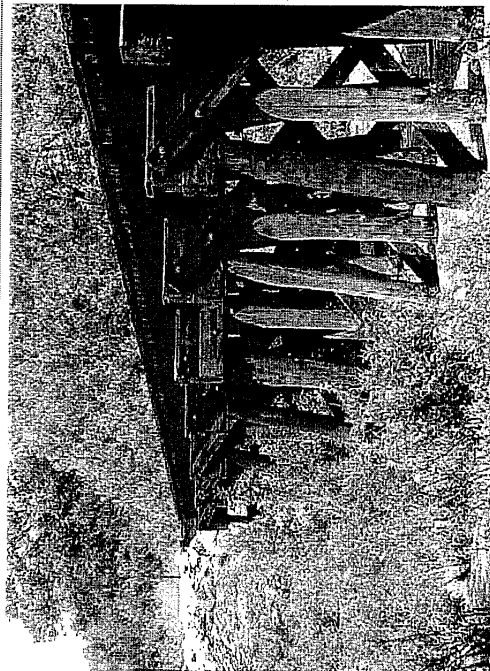
Side view facing north.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

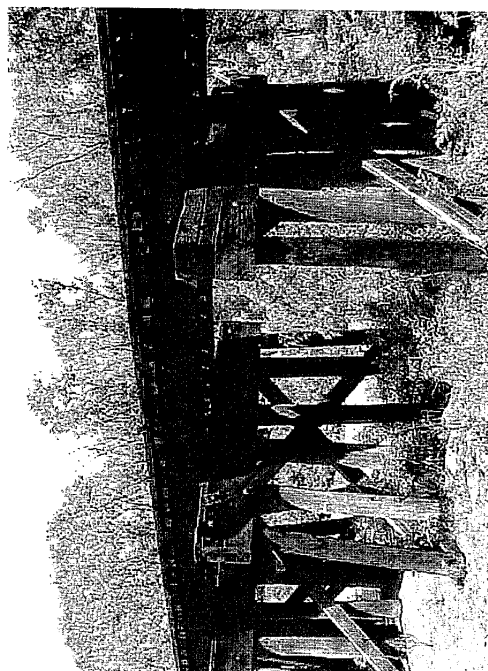
Bridge: 331.9 Built: 1926 Length: 162' Height: 15' Type: Open Deck Pile Trestle Feature Intersected: Spring River Overflow
 Photos Taken: 07/02/2001 by M.C. Richardson



Rail view facing west.



Side view facing north.



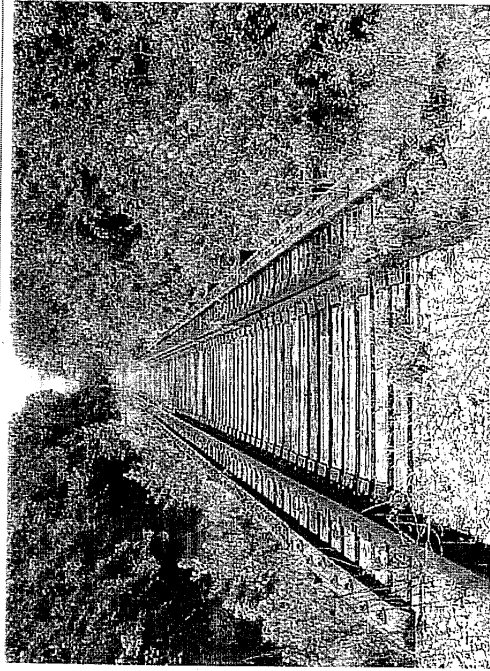
Side view facing north.



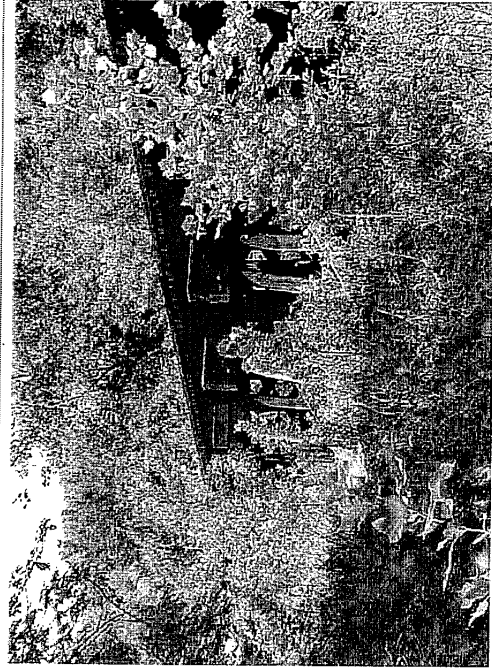
Side view facing north.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

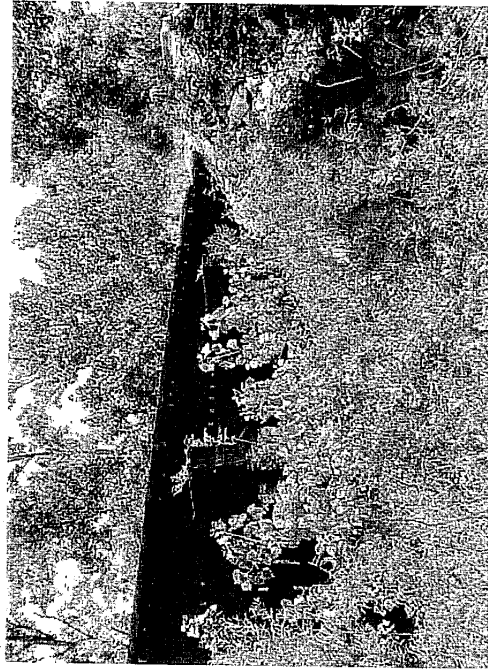
Bridge: 332.0 Built: 1928 Length: 162' Height: 13' Type: Open Deck Pile Trestle Feature Intersected: Spring River Overflow
 Photos Taken: 07/02/2001 by M.C. Richardson



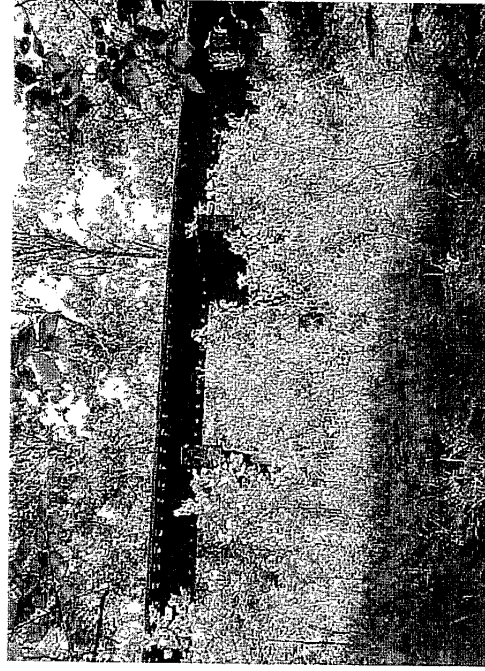
Rail view facing west.



Side view facing north.



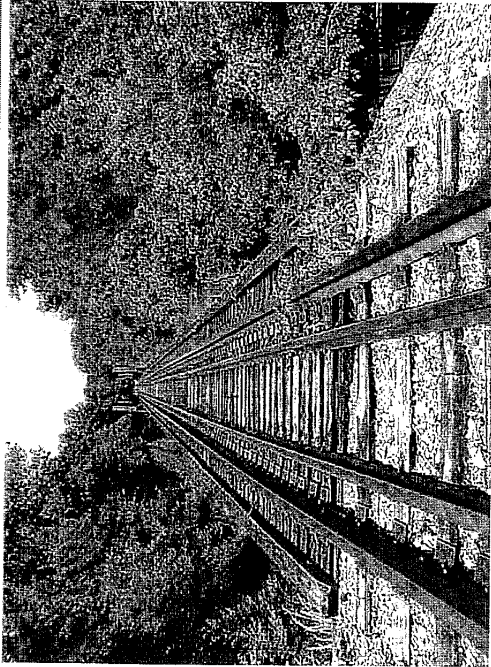
Side view facing north.



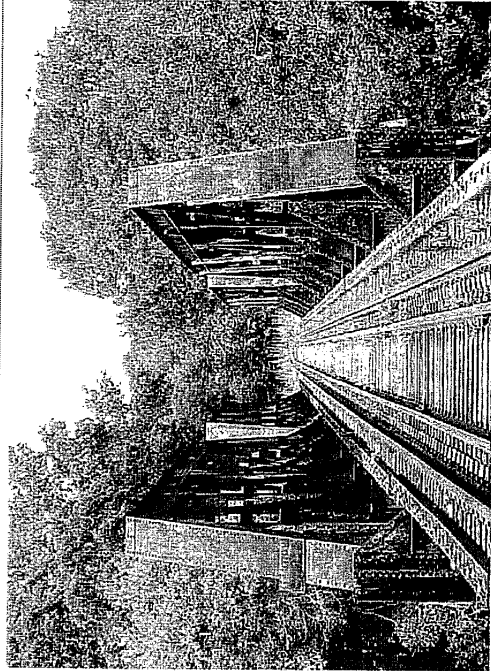
Side view facing north.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

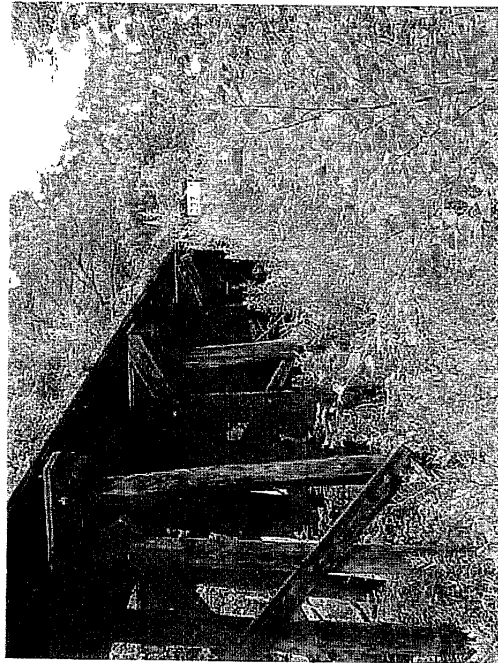
Bridge: 332.1 Built: 1926 Length: 278' Height: 19' Type: Open Deck Pile Trestle Feature Intersected: Spring River Overflow
 Built: 1913 Length: 214' Height: 38' Type: Pony Riveted Truss Feature Intersected: Spring River
 Photos Taken: 07/02/2001 by M.C. Richardson



Rail view facing west.



Rail view facing west: PRT detail



Side view facing north.



Side view facing north: PRT detail.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

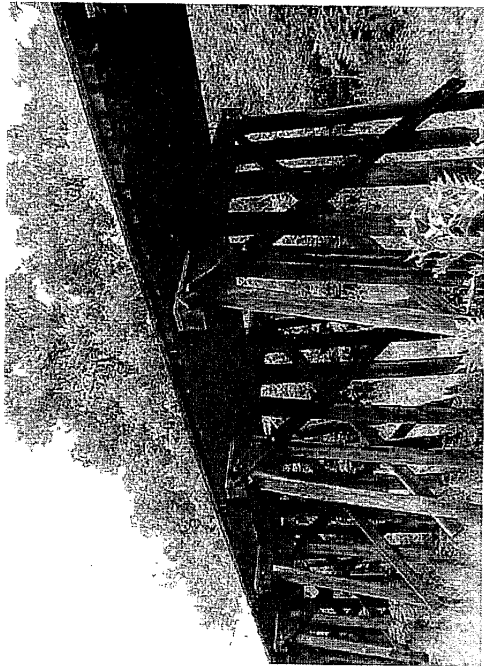
Bridge: 332.1 (continued)



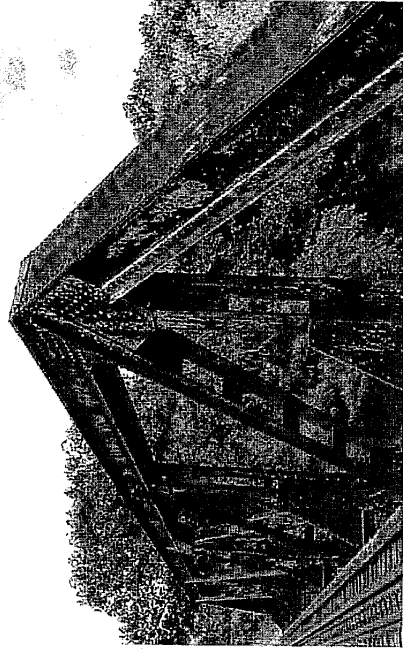
Side view facing north.



Side view facing north: PRT detail.



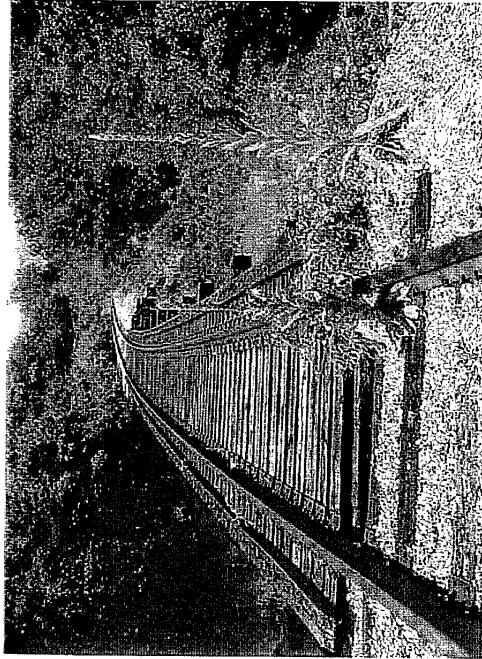
Side view facing north.



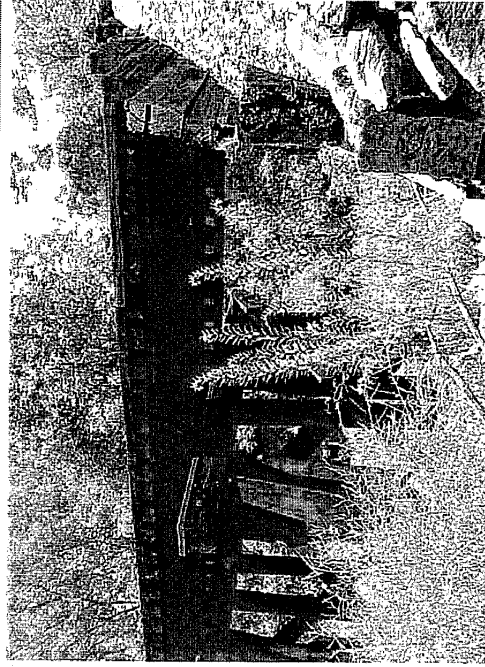
Side view facing north: PRT detail.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

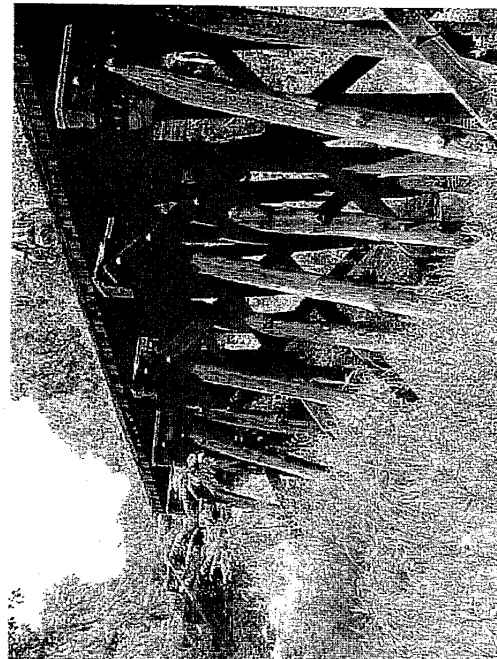
Bridge: 332.2 Built: 1926 Length: 120' Height: 16' Type: Open Deck Pile Trestle Feature Intersected: Spring River Overflow
 Photos Taken: 07/02/2001 by M.C. Richardson



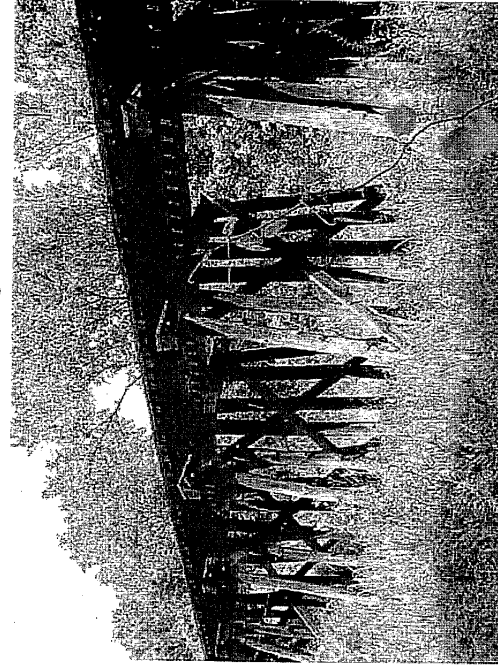
Rail view facing west.



Side view facing north.



Side view facing north.



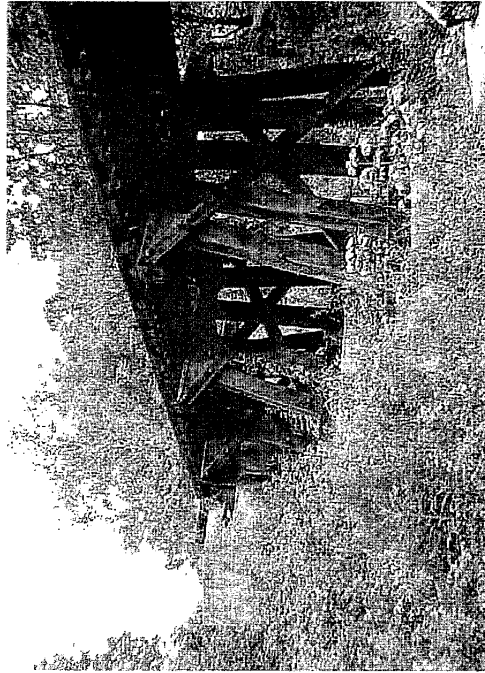
Side view facing north.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

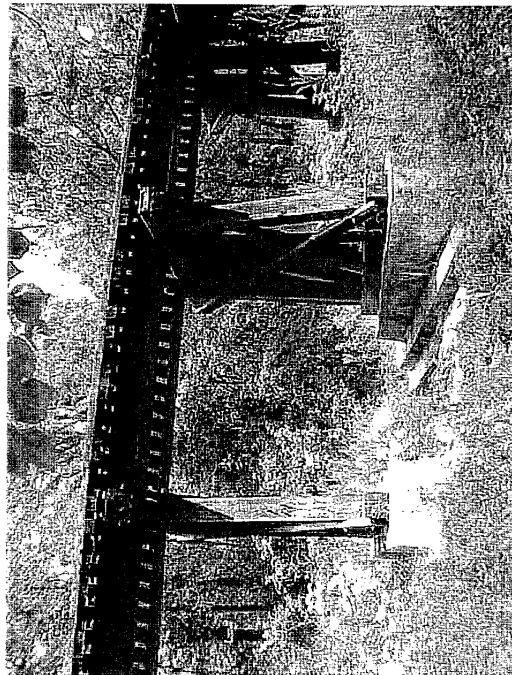
Bridge: 332.3 Built: unknown Length: 110' Height: 17' Type: Open Deck Frame Trestle Feature Intersected: Spring River Overflow
 Photos Taken: 07/02/2001 by M.C. Richardson



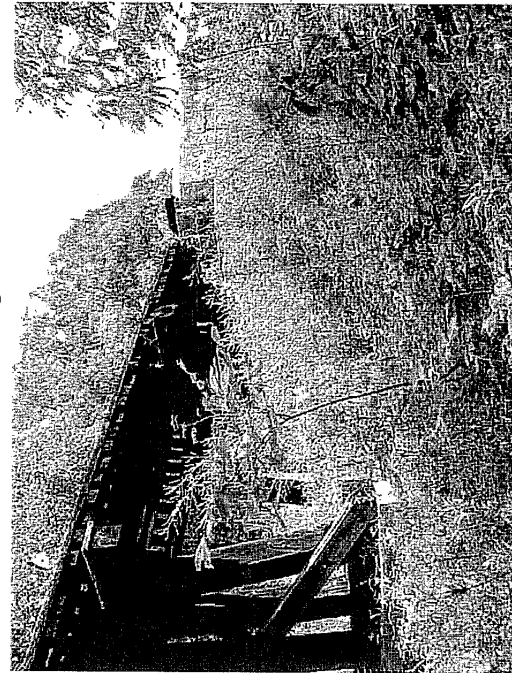
Rail view facing west.



Side view facing north.



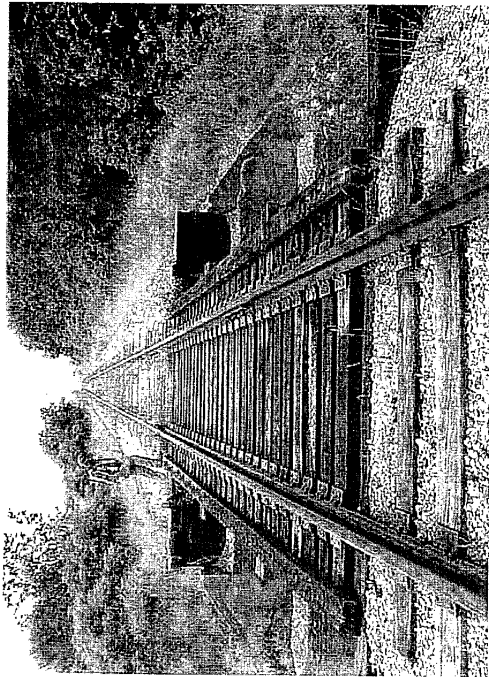
Side view facing north.



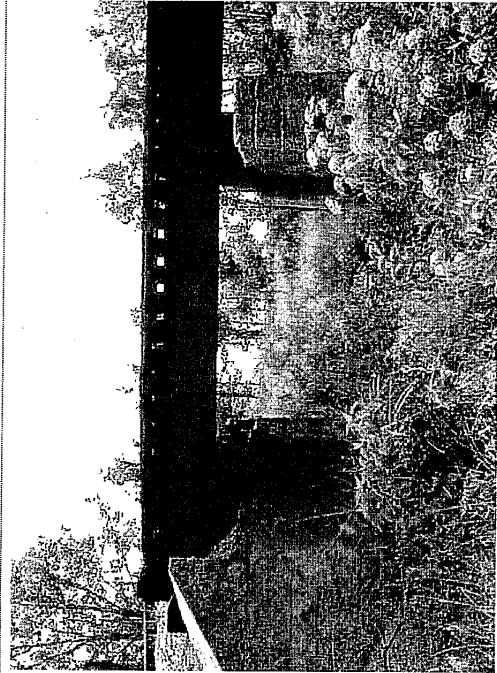
Side view facing north.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

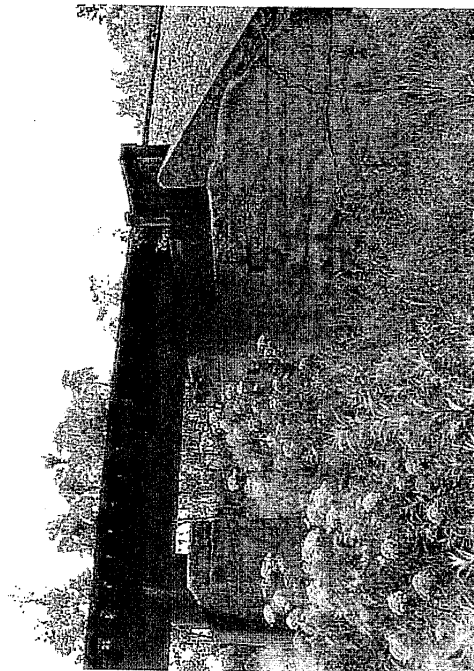
Bridge: 332.8 Built: unknown Length: 29' Height: 12' Type: Open Deck Frame Trestle Feature Intersected: drainage
 Photos Taken: 07/02/2001 by M.C. Richardson



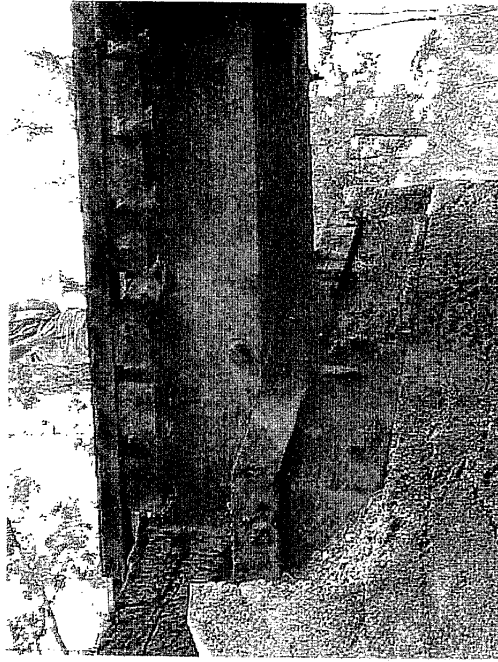
Rail view facing west.



Side view facing south.



Side view facing south.

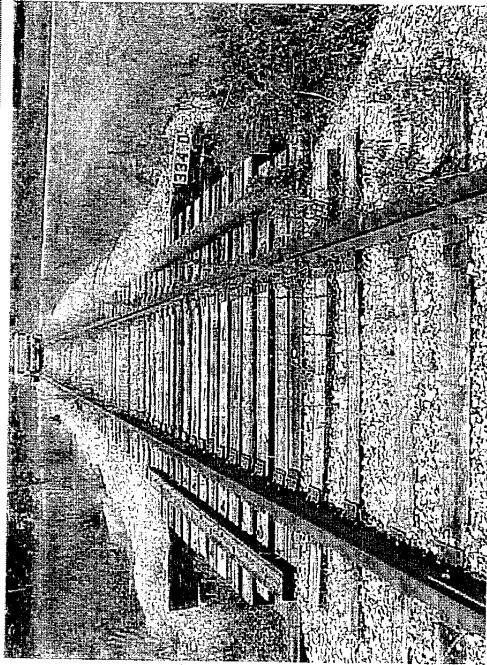


Side view facing south.

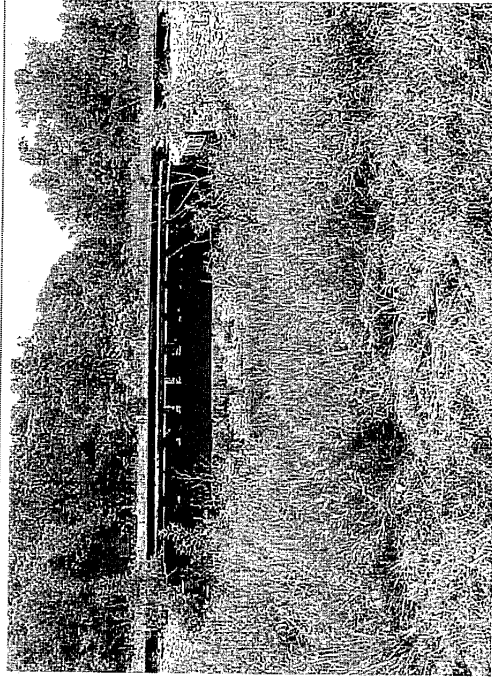
Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

Bridge: 334.0 Built: unknown Length: 15' Height: 5' Type: Open Deck Frame Trestle Feature Intersected: drainage

Photos Taken: 07/02/2001 by M.C. Richardson



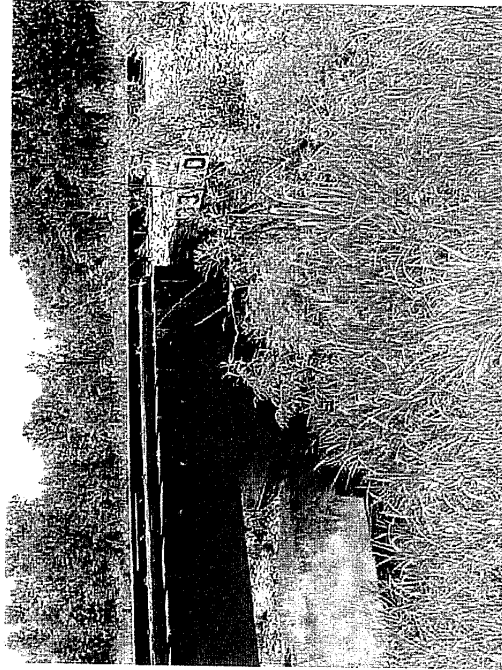
Rail view facing west.



Side view facing south.



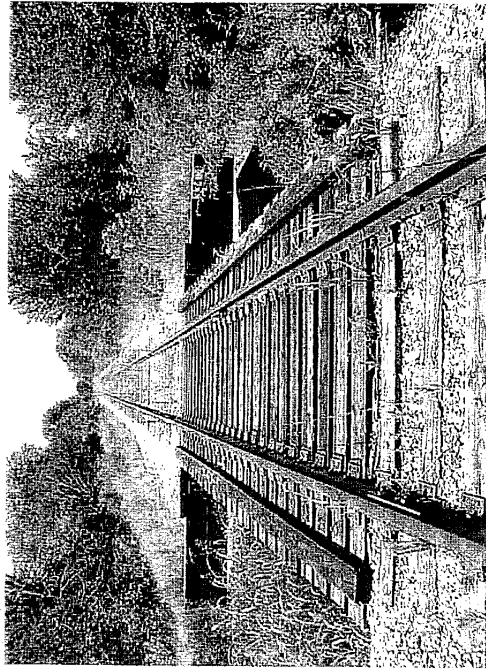
Side view facing south.



Side view facing south.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

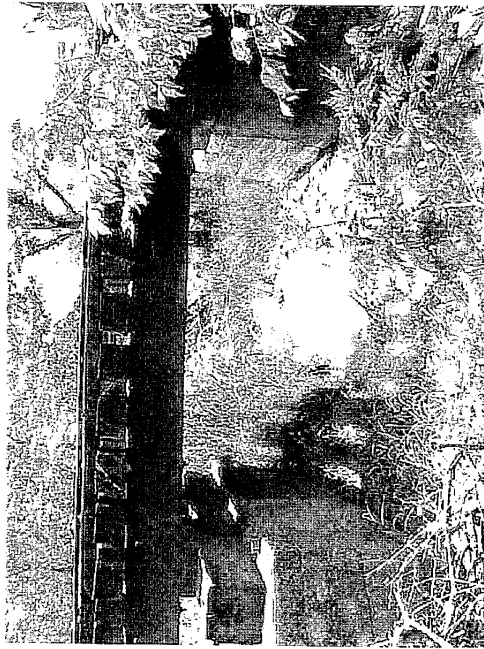
Bridge: 334.4 Built: unknown Length: 30' Height: 9' Type: Open Deck Frame Trestle Feature Intersected: drainage
 Photos Taken: 07/02/2001 by M.C. Richardson



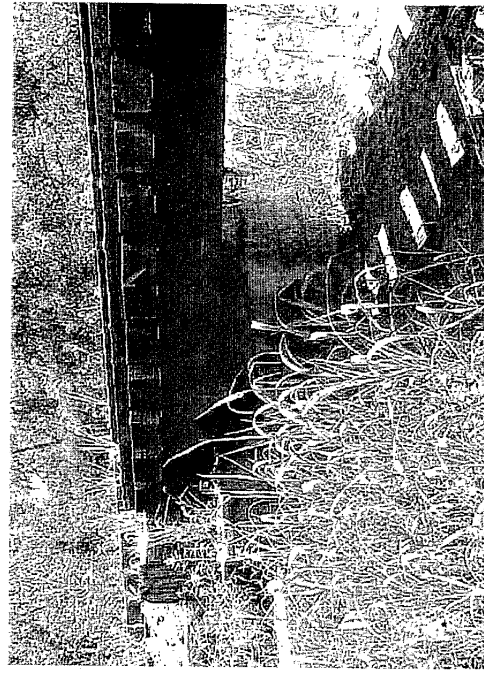
Rail view facing west.



Side view facing south.



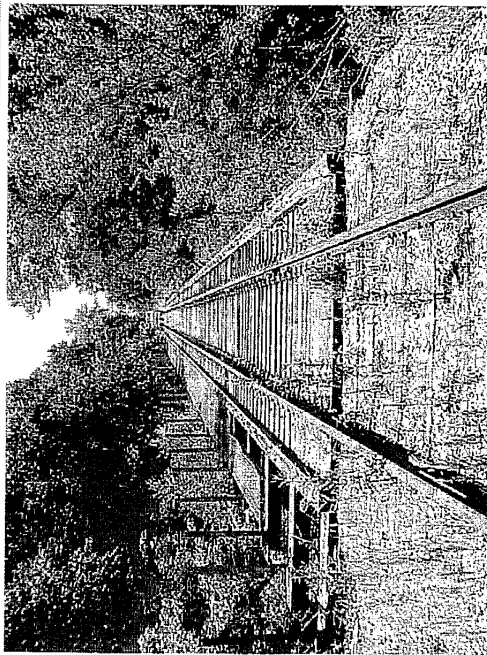
Side view facing south.



Side view facing south.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

Bridge: 335.4 Built: 1923 Length: 130' Height: 14' Type: Open Deck Pile Trestle and Deck Plate Girder Feature Intersected: Shawnee River
 Photos Taken: 07/02/2001 by M.C. Richardson



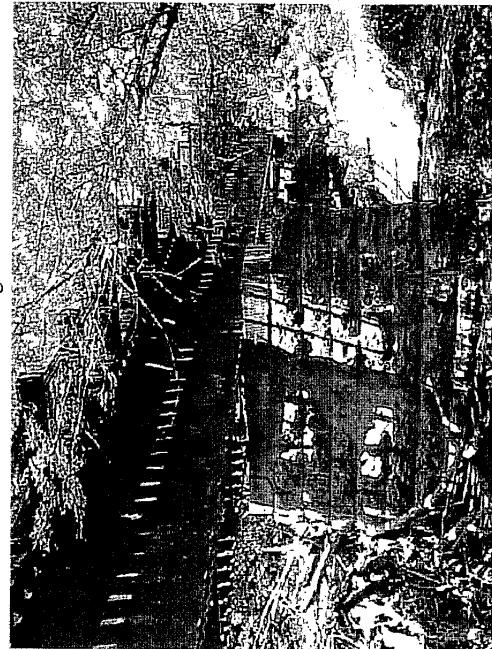
Rail view facing west.



Side view facing south.



Side view facing north.

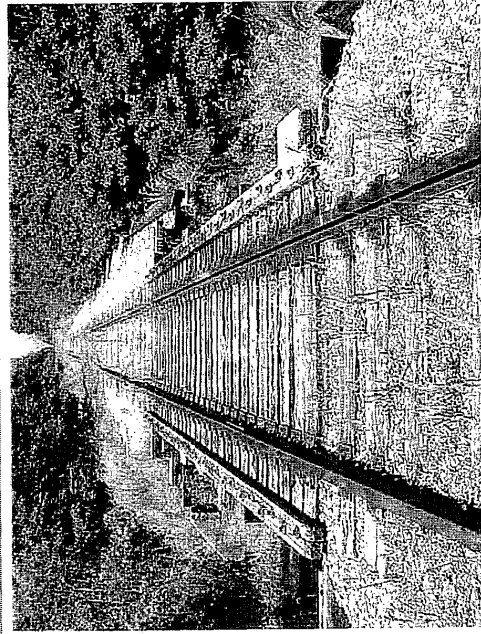


Side view facing north.

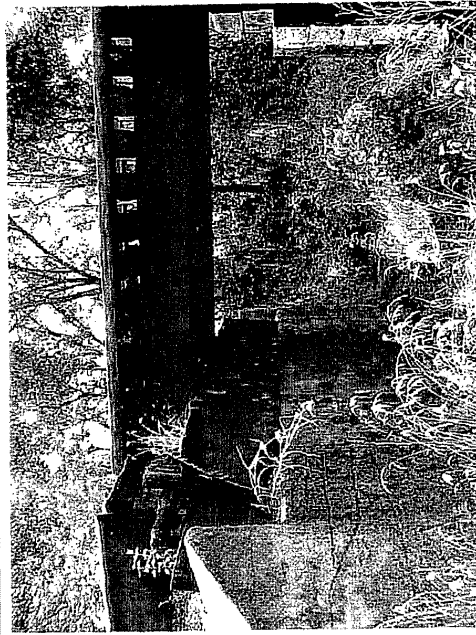
Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

Bridge: 336.4 Built: unknown Length: 28' Height: 10' Type: Open Deck Frame Trestle Feature Intersected: drainage

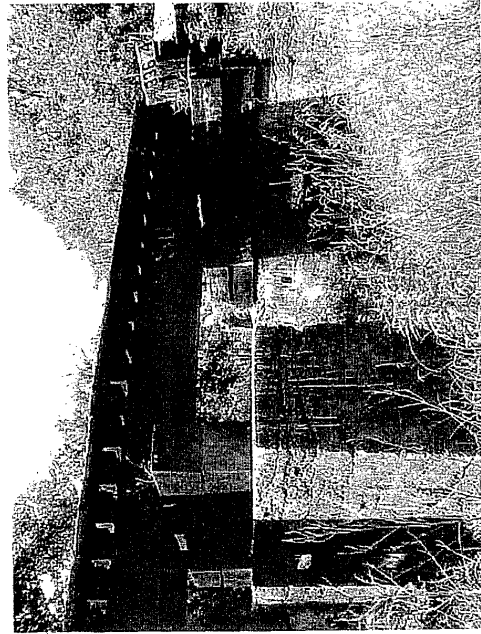
Photos Taken: 07/03/2001 by M.C. Richardson



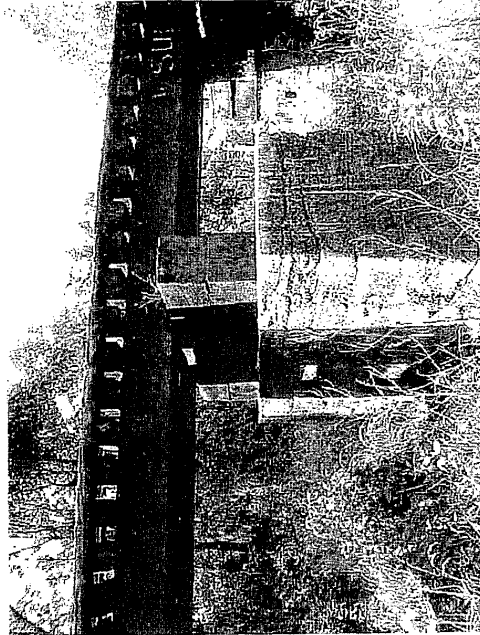
Rail view facing west.



Side view facing south.



Side view facing south.



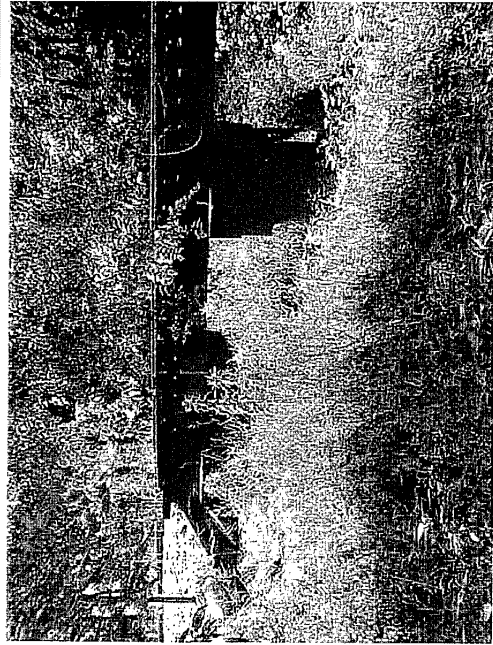
Side view facing south.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

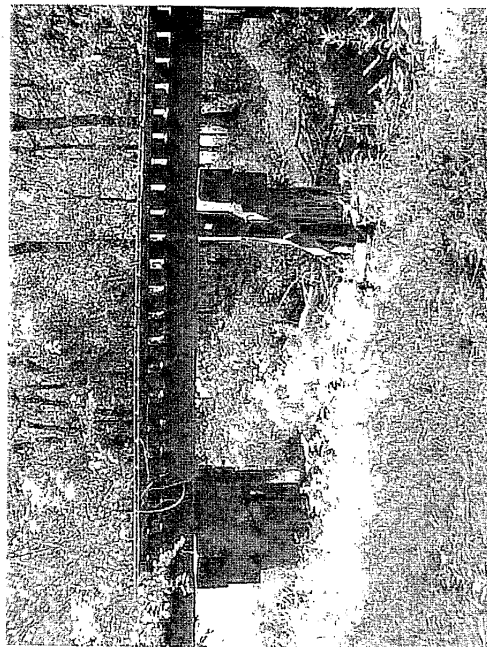
Bridge: 336.8 Built: 1927 Length: 52' Height: 9' Type: Open Deck Pile Trestle Feature Intersected: drainage
 Photos Taken: 07/03/2001 by M.C. Richardson



Rail view facing west.



Side view facing south.



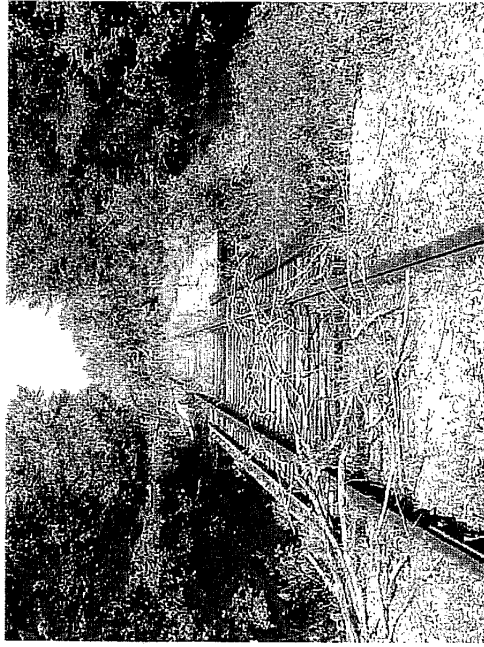
Side view facing south.



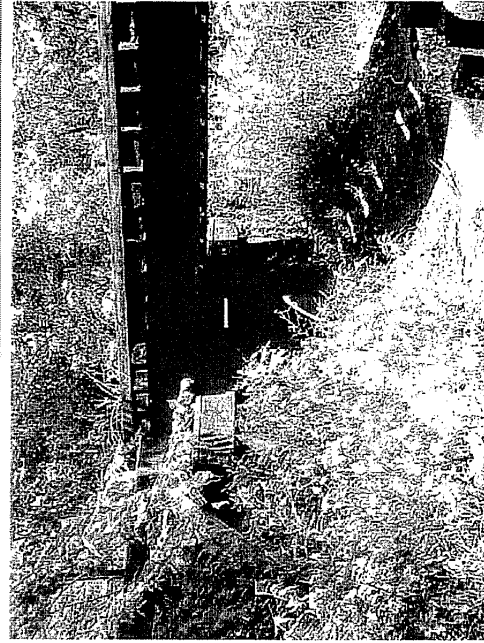
Side view facing south.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

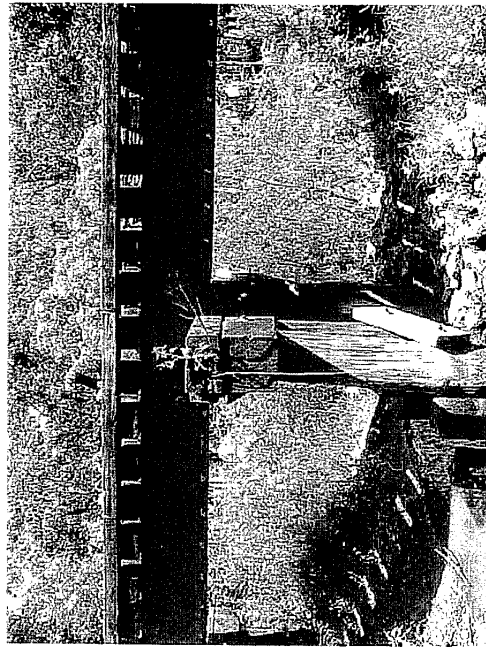
Bridge: 336.9 Built: 1925 Length: 28' Height: 8' Type: Open Deck Pile Trestle Feature Intersected: drainage
 Photos Taken: 07/03/2001 by M.C. Richardson



Rail view facing west.



Side view facing north.



Side view facing north.

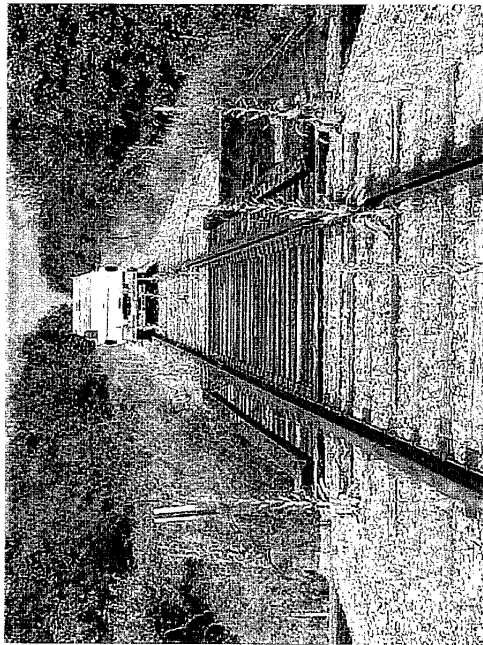


Side view facing north.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

Bridge: 340.6 Built: 1990 Length: 27' Height: 11' Type: Open Deck Frame Trestle Feature Intersected: drainage

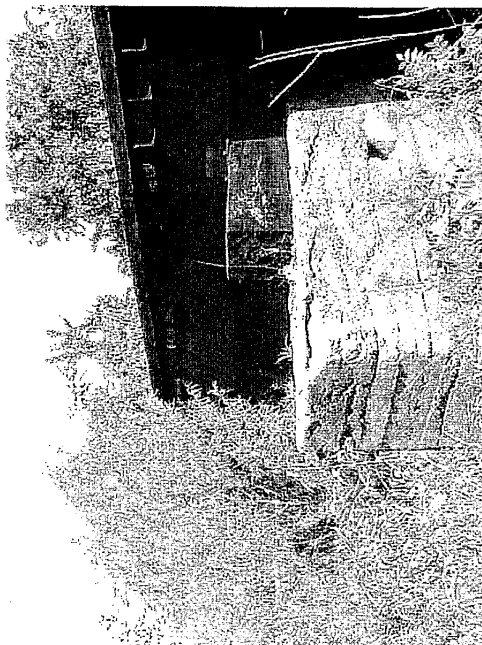
Photos Taken: 07/03/2001 by M.C. Richardson



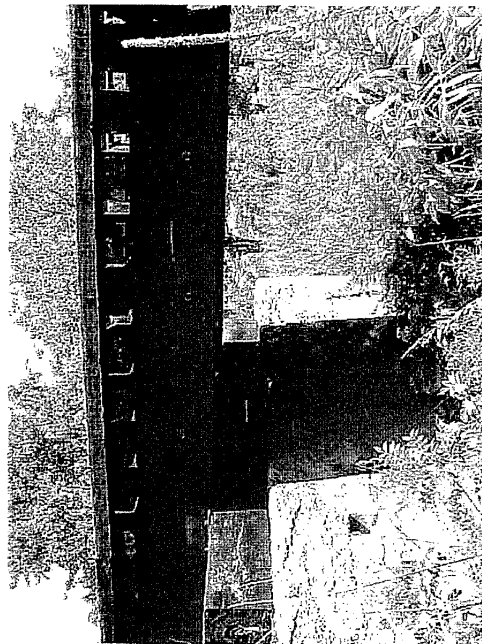
Rail view facing west.



Side view facing north.



Side view facing north.

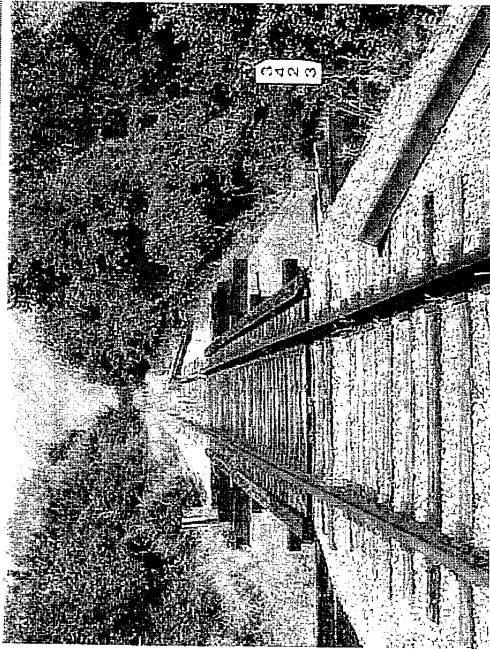


Side view facing north.

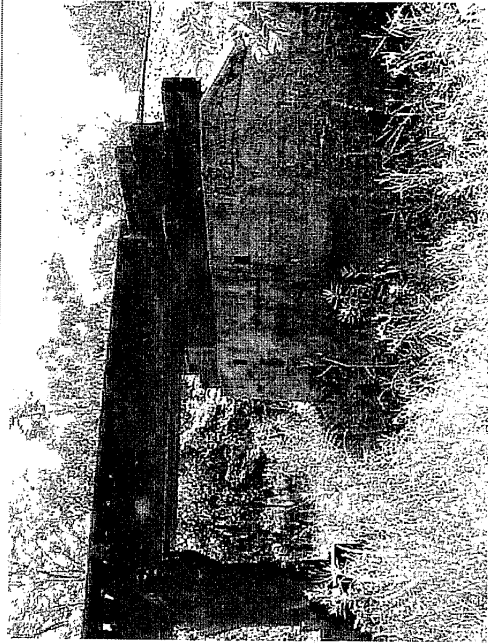
Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

Bridge: 342.3 Built: unknown Length: 42' Height: 12' Type: Open Deck Pile Trestle Feature Intersected: drainage

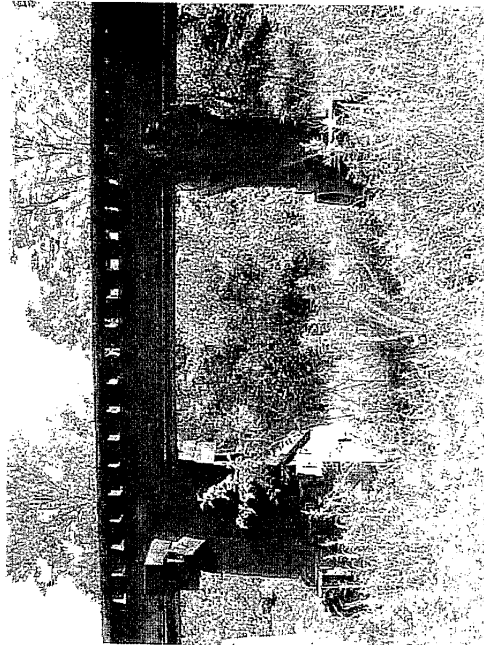
Photos Taken: 07/03/2001 by M.C. Richardson



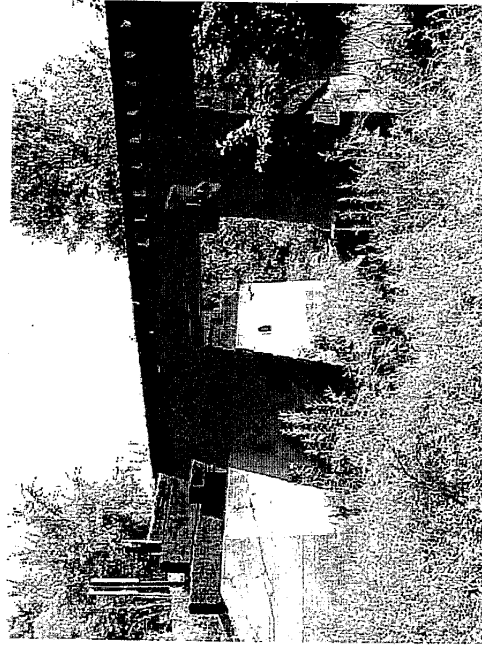
Rail view facing west.



Side view facing north.



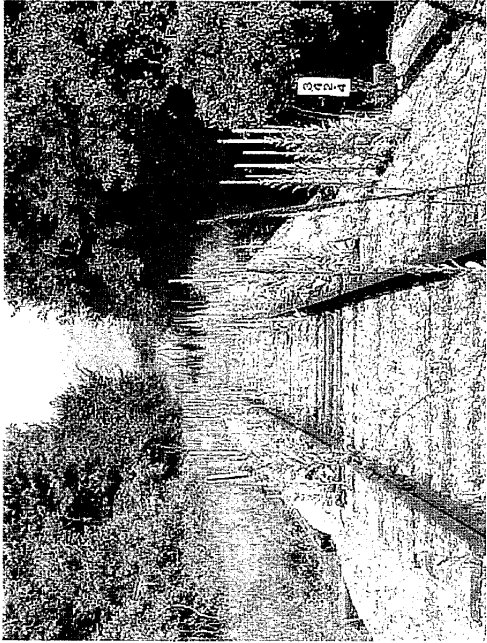
Side view facing north.



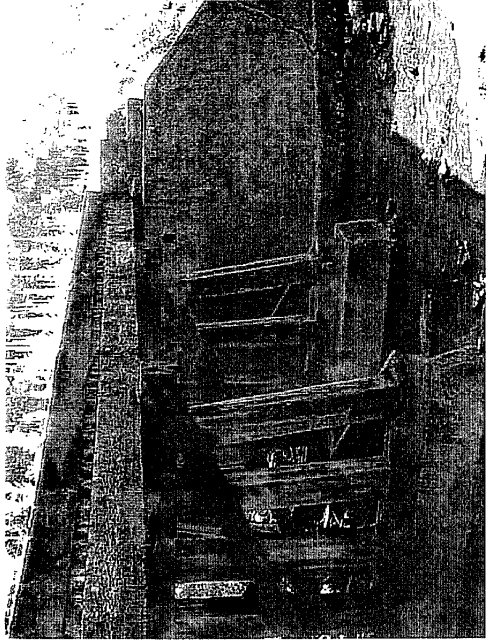
Side view facing north.

Carthage Subdivision: Abandonment Documentation (M.P. 315.30 to M.P. 343.55)

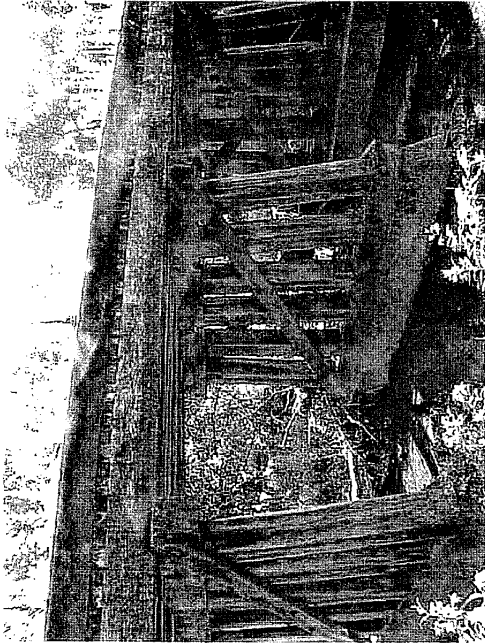
Bridge: 342.4 Built: unknown Length: 57' Height: 16' Type: Ballast Deck Frame Trestle Feature Intersected: drainage
Photos Taken: 07/03/2001 by M.C. Richardson



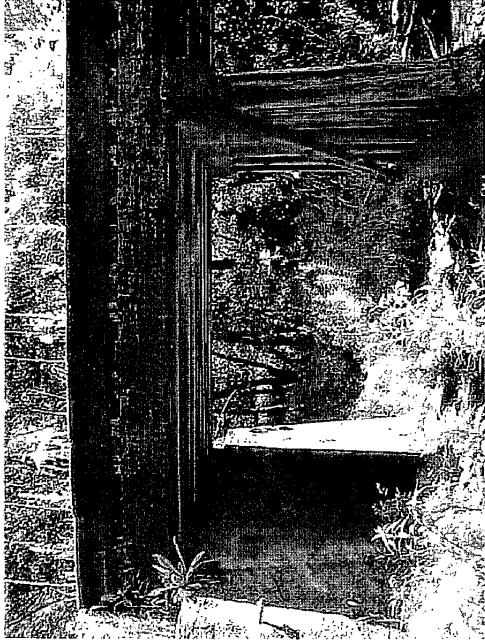
Rail view facing west.



Side view facing north.



Side view facing north.



Side view facing north.



**KANSAS
STATE
HISTORICAL
SOCIETY**

◆
Cultural Resources Division
Extension 240

◆
6425 S.W. 6th Avenue
Topeka, Kansas
66615-1099
PHONE# (785) 272-8681
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◆
KANSAS HISTORY CENTER

Administration
Center for Historical Research
Cultural Resources
Education / Outreach
Historic Sites
Kansas Museum of History
Library & Archives

HISTORIC SITES

Adair Cabin
Constitution Hall
Cottonwood Ranch
First Territorial Capitol
Fort Hays
Goodnow House
Grinter Place
Hollenberg Station
Kaw Mission
Marais des Cygnes Massacre
Mine Creek Battlefield
Native American Heritage Museum
Pawnee Indian Village
Pawnee Rock
Shawnee Mission

May 25, 2001

Brian Nettles
Paralegal
Freeborn & Peters
311 S Wacker Dr Suite 3000
Chicago IL 60606-6677

Re: Abandon Burlington Northern and Santa Fe Trackage From Columbus to
Carthage, Missouri
Cherokee County

Dear Mr. Nettles:

We have reviewed the project identified above and have determined that it should not affect any property listed on the National Register of Historic Places or otherwise identified in our files as having historical significance. This office has no objection to implementation of the project.

Sincerely yours,

Ramon Powers
State Historic Preservation Officer

R. Pankratz / ca

Richard Pankratz, Director
Historic Preservation Office

clg

W



Bob Holden, Governor • Stephen M. Mahfood, Director

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF STATE PARKS

P.O. Box 176 Jefferson City, 65102-0176 (573) 751-2479

FAX (573) 751-8656

February 26, 2002

Mr. Brian Nettles
Litigation Clerk
Freeborn & Peters Attorneys at Law
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

Re: Burlington Northern and Santa Fe Railway Company Abandonment between
Columbus, Kansas and Carthage, Missouri

Dear Mr. Nettles:

I am writing in reply to your letter regarding the abandonment of the Burlington Northern and Santa Fe Railway line between Columbus, Kansas and Carthage, Missouri.

Battle of Carthage State Historic Site is located approximately 3 miles east of the abandonment location in Carthage, Missouri. At this time the proposed abandonment does not appear to impact the site. However, east of the proposed abandonment, the Burlington Northern and Santa Fe Railway continues SE and runs adjacent to the Battle of Carthage State Historic Site property. Battle of Carthage State Historic Site is a 7.4-acre tract, located on the north side of East Chestnut Street, next to Carter Park in Carthage. Please keep me apprised of any coordination needed with the site as your research continues.

The Missouri Department of Natural Resources, Division of State Parks recommends that BNSF coordinate with the regional planning commission(s) and cities along the route for information regarding existing and proposed recreational facilities to address the suitability of the right-of-way for possible recreational use.

Thank you for the opportunity to comment on your plans. Should you have questions or need additional information, I can be reached at 573/751-5374.

Sincerely,

DIVISION OF STATE PARKS

Deborah A. Schnack, Director
Planning and Development Program

DS/lg

c: Gary Walrath, District Supervisor, Southern Missouri Historic District
Pamela J. Myers, Harry S. Truman Birthplace State Historic Site



RECYCLED PAPER



Bob Holden, Governor • Stephen M. Mahfood, Director

DEPARTMENT OF NATURAL RESOURCES

March 4, 2002

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

Re: **SHPO Project Number: 005-JP-02** - Proposed abandonment of Burlington Northern and Santa Fe
Railway alignment in Jasper County, Missouri (STB)

Dear Mr. Nettles:

Thank you for submitting information about the above-referenced project for our review pursuant to Section 106 of the National Historic Preservation Act (P.L. 89-665, as amended) and the Advisory Council on Historic Preservation's regulation 36 CFR Part 800, which require identification and evaluation of cultural resources.

After reviewing the information provided, staff has determined that there are no archaeological concerns with the project in Jasper Co. However, the project should undergo an architectural survey prior to the initiation of project related activities. The survey will need to address all of the bridges / trestles and railroad related structures along the route, including interchanges with other rail alignments.

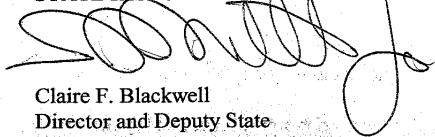
A list of independent archaeological contractors who can perform such services is available through the Department of Natural Resources' General Services Program. The list can be obtained by calling (573) 522-5492 and requesting the "archaeological and architectural contractors lists." Note that any 36 CFR 61 qualified archaeologist / architectural historian may perform surveys. If you chose a contractor not on the list, please be certain to include his or her curriculum vitae in the report.

The Historic Preservation Program would appreciate two (2) copies of the final cultural resource assessment so that we may complete the review and comment process.

If you have any questions or additional information that would affect our request for a survey, please write or call Brant Vollman at (573) 526-1680. Please be sure to include the **SHPO Project Number: 005-JP-02** on all future correspondence relating to this project. If the information is provided via telephone call, please follow up in writing for our files.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE



Claire F. Blackwell
Director and Deputy State
Historic Preservation Officer

CFB:bv



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